

AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, June 27, 2013
Finnup Center for Conservation Education (at Lee Richardson Zoo)
312 East Finnup Drive
Garden City, Kansas

- 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 April 25, 2013 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 (Robin Jennison)**
 - B. General Discussion**
 - 1. Tourism Briefing (Becky Blake)**
 - 2. Spring/Fall 2014 Turkey Regulations (Jim Pitman)**
 - 3. Youth License and Permit Fees (Mike Miller)**
 - C. Workshop Session**
 - 1. Fishing Regulations (Doug Nygren)**
 - 2. Park Regulations (Linda Lanterman)**
 - 3. Late Migratory Bird Seasons (Tom Bidrowski)**
 - 4. Lesser Prairie Chicken Federal Listing Update (Keith Sexson and Jim Pitman)**
 - 5. Prairie Chicken Regulations (Jim Pitman)**
- 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 110-12-1. Definitions. (Agritourism - to be revoked) (Becky Blake)**
2. **KAR 110-12-2. Registration. (Agritourism - to be revoked) (Becky Blake)**
3. **KAR 110-12-3. Liability insurance; costs qualifying for tax credits. (Agritourism - to be revoked) (Becky Blake)**
4. **KAR 110-12-4. Tax Credits. (Agritourism - to be revoked) (Becky Blake)**
5. **KAR 110-12-5. New registration form. (Agritourism - to be revoked) (Becky Blake)**
6. **KAR 110-12-6. Contracts. (Agritourism - to be revoked) (Becky Blake)**
7. **KAR 115-40-1. Definitions. (Agritourism – new) (Becky Blake)**
8. **KAR 115-40-2. Registration. (Agritourism – new) (Becky Blake)**
9. **KAR 115-40-3. Liability insurance; costs qualifying for tax credits. (Agritourism – new) (Becky Blake)**
10. **KAR 115-40-4. Tax credits. (Agritourism – new) (Becky Blake)**
11. **KAR 115-40-5. New registration form. (Agritourism – new) (Becky Blake)**
12. **KAR 115-40-6. Contracts. (Agritourism – new) (Becky Blake)**
13. **KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods, and general provisions. (Matt Peek)**
14. **KAR 115-5-2. Furbearers and coyotes; possession, disposal, and general provisions. (Matt Peek)**
15. **KAR 115-6-1. Fur dealer license; application, authority, possession of furs, records, and revocation. (Matt Peek)**
16. **KAR 115-16-5. Wildlife control permit; operational requirements. (Matt Peek)**
17. **KAR 115-25-11. Furbearers; open seasons and bag limits. (Matt Peek)**
18. **KAR 115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms. (John Silovsky)**
19. **KAR 115-8-2. Blinds, tree stands, and decoys. (John Silovsky)**

20. KAR 115-8-23. Bait; hunting. (John Silovsky)

21. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley; crossbow survey number. (Lloyd Fox)

22. Early Migratory Birds (Tom Bidrowski)

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on June 27, 2013, to reconvene June 28, 2013, 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, August 1, 2013, Woodson County Community Building, 713 S Fry, Yates Center, KS.

**Kansas Department of Wildlife, Parks and Tourism
Commission Meeting Minutes
Thursday, April 25, 2013
Great Plains Nature Center, Wichita, KS**

Subject to
Commission
Approval

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

The April 25, 2013 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. at the Great Plains Nature Center, Wichita, Kansas. Chairman Gerald Lauber and Commissioners Debra Bolton, Don Budd, Tom Dill, Randy Doll, Roger Marshall and Robert Wilson were present.

II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – John Silovsky will present Workshop item seven under public lands.

IV. APPROVAL OF THE MARCH 21, 2013 MEETING MINUTES

Sheila Kemmis - Edit page 14, Steve Sorensen's comment should read Pope and Young will not certify deer taken with a rangefinder attached to the bow; delete nightscope.

Commissioner Roger Marshall moved to approve the minutes as corrected, Commissioner Tim Dill second. **Approved.** (Minutes – Exhibit B).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

David Garcia - 32-929, American Indian license to hunt fish for free. If A tribe not federally recognized, the application is denied because it is state recognized. Since this is a state license, we would like to see it changed to read "state or federally recognized tribe." Tymeson – This issue is statutory, which requires legislative change. Contact your legislator; also there is a Native American liaison in the Governor's office. Commissioner Marshall – What tribe? Garcia - Lipan Apache out of Texas. Hoped you would have some pull.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status – Robin Jennison, secretary, presented this update to the Commission. Not much change from last meeting. Ways and Means in panel this week;

Governor's tax package will have some change to revenues. The Governor's proposal is to not sunset sales tax, which is set to sunset in July; the Senate supports him, but the House does not. Trying to get \$500,000 back that was swept from the Cabin Revenue Fund this year, and hopefully we will get that restored. The main thing we are looking at right now is the park passport. Right now it is difficult to project those revenues. As of the end of March, we are running pretty close to what we did last year in parks; so far not a bad year for the parks, but park passport is unknown. I think we are approaching 4 percent of the people registering their cars are buying one. We projected 10 percent. Dedicated park users are buying but there have been no significant new people yet. We receive monthly reports and hope to have a clearer picture after next report.

2. 2013 Legislative Update – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit C). On legislative break, Senate Ways and Means came back today to start discussing budget. Full legislature comes back May 8. First year of two-year cycle on bills. SB49 (KDWPT initiative)--Current law makes it unlawful to operate a vessel with a blood or breath alcohol concentration of .08 at the time of or within two hours of operating a vessel. This bill would increase the time period from two hours to three hours after operation of a vessel, making it consistent with state DUI laws for motor vehicles. The bill sat on the House Calendar and ultimately was stricken from the calendar by rule when it did not pass before the Legislative deadline. We were successful in getting it conferenced into HB2218. SB50 (KDWPT initiative)-- This bill would require a phase-in on boating education. This bill had a hearing Jan. 24 but did not move forward. SUB SB57 -- Under statute, anyone possessing domesticated deer must be permitted under the Kansas Department of Agriculture. This bill would amend that statute to allow the Department of Agriculture to request assistance from the Kansas Department of Wildlife, Parks and Tourism in implementing and enforcing laws governing domesticated deer. The bill passed the Senate and House and was signed by Governor on April 16. SB74 -- This bill would prohibit the Department of Corrections from producing modular homes, including KDWPT cabins. The bill had a hearing on Thursday, Feb. 7. KDWPT requested an exemption to allow DOC to produce the cabins being placed in state parks, state fishing lakes and wildlife areas. This bill was amended to protect the KDWPT cabin program and the department supports the bill as amended. The bill was signed by the Governor on April 10. SB 83 (also HB2244) -- This bill deals with income, severance and sales tax issues the House bill reduces the percentage of value that watercraft are assessed at to 11.5 percent in 2014 and 5 percent in 2015 and thereafter. The conference committee report on the bill was passed by both houses and was signed by the Governor on April 16. SB94 --This bill deals with certain crimes and punishments and amends the definition of a firearm to exempt antique firearms and did not go anywhere. SB223 -- This bill would authorize use of a crossbow by all hunters during big game archery season. The bill has been referred to the Committee on Natural Resources and was scheduled for a hearing but the hearing was cancelled. HB2030 (KDWPT initiative) -- This bill would allow the department to issue 10 "Wounded Warrior Deer Permits" to disabled veterans who sustained injuries in combat and have a service-connected disability of not less than 30 percent. Allowed 10 permits, will draw if more applicants than 10. The Governor approved the bill on April 2. HB2052 -- This bill creates the crime of unlawful discharge of a firearm within or into the corporate limits of any city. However, it allows the discharge of a firearm to lawfully take wildlife, including nuisance wildlife, unless prohibited by the KDWPT or the governing body of the city. The bill was amended by the Committee to include the original provisions as well as

several provisions related to firearms and concealed carry permits. The bill was signed by the Governor on April 16. HB2076 -- This bill would exempt any honorably discharged veteran who resides in Kansas and has a service connected disability equal to or greater than 30 percent from all hunting and fishing license/permit requirements and fees. The department opposes this bill because of loss of state and federal funds. HB2362 -- This bill would amend provisions of the nongame and endangered species conservation act, specifically redefining critical habitat as it relates to a threatened and endangered species, as well as significantly changing how species are designated threatened or endangered in Kansas. The department opposes the bill, which was referred to the Committee on Agriculture and Natural Resources. This bill had a hearing on February 25, but did not go anywhere, but is alive for next year. Commissioner Marshall – On SB 74, at the end of the day can the department of Corrections build modular homes or not? Tymeson – They can build small buildings under 1,000 square feet which might be a shed or one of our cabins. Chairman Lauber – On watercraft bill, how many Oklahoma registrations are there with Kansas addresses? Tymeson – Somewhere in the 6,000 to 10,000 range. We hope with the reduction in vehicle tax some of those people will register those boats here. Commissioner Budd – SB 223, since we took the action we did can we assume they won't take any action on this? Tymeson – We assume so. Commissioner Budd – On HB 2052, the Unit 19 deer zone which encompasses a large part of the city, can you shoot deer with gun? Tymeson – Still need to have permission of local municipality; where we have worked with the local municipalities and have programs those would still be authorized, just like it is now. Commissioner Budd - On senate resolution 1711 on black-footed ferrets, are they watching us to take some sort of action? Tymeson – The resolution opposed safe harbor and the senate passed a watered down version of what was introduced. Resolutions are not binding; they just say they oppose the safe harbor agreement. Robin testified as neutral on that and it doesn't behoove to use a lot of political capital on something that has no force of law.

B. General Discussion

1. Lincoln Street, Ark River Project Update – Jessica Mounts, fisheries biologist, presented this update to the Commission (Exhibit D, PowerPoint – Exhibit E). The Lincoln Street Dam in Wichita was recently replaced, with the new design including a combined fish passage and flume structure – the first of its kind in Kansas. Our river is home to several fish species that require the river to have long reaches of continuous flow to reproduce. Many fish species make seasonal migrations up and down river systems to reproduce and feed. Some of these species swim up-stream to lay their eggs, while others move downstream in search of food. Some have eggs that float in the current along with the food source. Eggs hatch within 24-28 hours, but the newly hatched young stay in the river current for another 2-3 days feasting on the available food. These movements up and down the river increase the chance of survival of the entire species in the river's ecosystem. Fish passages around dams help the wildlife and fish in the river and with the construction of this fish passage, the connectivity of the Arkansas River is greatly improved. Below the dam 19,854 individual fish were collected in May, 2012; the highest number of species on the Ark River in Wichita. The average number of species collected below the dam was 17; and above was nine. The dam was built in a time when environmental effects were not as fully considered as they are today; the dam has presented a barrier to several natural river functions. The bridge has deteriorated to the extent that major structural rehabilitation or full replacement is necessary. Because the dam sits directly under the bridge,

structural rehabilitation would be both difficult and expensive. Dam inspection, operation, and repair have also been difficult, and major rehabilitation would be expensive with the bridge directly above the dam. Threatened and endangered (T&E) species include: the Arkansas darter, Arkansas River shiner, silver chub, plains minnow, and Arkansas River speckled chub. Endangered refers to any species of wildlife whose continued existence as a viable component of the state's wild fauna (animals) is determined to be in jeopardy. Threatened refers to any species of wildlife which appears likely, within the foreseeable future, to become an endangered species. Other target fish species include: catfish, bass, gar, crappie and many others; about 40 in all. We will do an evaluation of the species use and migration, incident mortality, and predation. Modeling will also be done looking at sediment flows and geomorphology. Future projects may include the 21st street dam. Passive Integrated Transponder tags (PIT) are used by researchers to study migration habits and movement to and from specified areas. A PIT tag is a radio frequency device that transmits a unique individual code to a reader. PIT tags were designed for positive identification, but because they are passive they are not capable of long-distance tracking. The implant site is dependent upon the species, size of the animal and the size of the tag. Population sampling will be done upstream and downstream, looking at biodiversity and species occurrence, which will be compared to historical data to show increased biodiversity, predation and mortality. Boat passage goals are to provide safe passage, provide recreation and increase sport fishing opportunities. In summary the passage will encourage fish migration upstream, provide safe passage for boating, improve maintainability for both the dam and the bridge and enhance the river's status as a destination for recreation. Public support for this project is strong. The project will maintain aesthetics for the downtown area, provide additional access for people who fish, and provide public parking and formal access for all river users. The partners in this project are looking forward to renewed public interest in a more accessible and more natural Arkansas River. This project will help our river become an increasingly important part of our urban landscape. This was \$7.5 million project and our partners include the City of Wichita, the U.S. Fish and Wildlife Service and the Arkansas River Coalition, as well as KDWPT staff. Commissioner Marshall – What was original purpose of dam when built in 1960s? Mounts – For storm water control and to raise level of water for recreational purposes. Unknown Audience - What is purpose of the dam at 21st? Nygren – Grade stabilization structure to protect the bank against head cut.

2. Fishing Regulations - Doug Nygren, fisheries section chief, presented this report to the Commission (Exhibit F). Not too many changes for next year and mostly on small impoundments.

3. Parks Regulations – Linda Lanterman, Parks Division assistant director, presented this report to the Commission (Exhibit G). This new initiative is intended to strengthen posted notice regulations in the courts, as well as provide the opportunity for the public to comment on our posted notices. We are in the process of compiling a reference document for posted notices in state parks. Commissioner Doll – Is this to help us in the courts? Lanterman – Help with our endeavors. Commissioner Bolton – Will these be in more than one language? Lanterman – Typically in English only. Commissioner Bolton – Suggest posting in other languages. Tymeson – This is just bringing them to regulation, the same items that are already out there; not a new initiative just trying to put principles in reference document, like we did for public lands. Some county attorneys are unwilling to prosecute on posted notice violation unless it has the force of regulation. Commissioner Wilson – On day use only, do you have background on what that is

about? Lanterman – We have some areas that we don't allow any camping, those areas are for day-use only.

4. Late Migratory Bird Seasons – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit H). The U.S. Fish and Wildlife Service (USFWS) annually develop the frameworks for states to establish migratory game bird hunting seasons. The 2013-2014 federal frameworks will not be determined until the August 1 at the USFWS Service Regulations Committee (SRC) Meeting. Since 1995, Adaptive Harvest Management (AHM) has been adopted for setting duck hunting regulations in the United States and provides the framework for making objective decisions through four regulatory packages: liberal, moderate, restrictive and closed where they have variable number of days and bag limits; based off habitat, population and harvest variables. Kansas has been in these liberal frameworks since 1996. With current record duck populations and current precipitation in the prairie pothole region, we expect to again be in liberal package. The package provides a 97-day High Plains season and for the three zones in the Low Plains zone, a 74-day season. It allows a daily bag limit of six birds with various species restrictions. The frameworks also establish two youth waterfowl hunting days to be established within 14 days of the regular season or within any split. Season length and bag limits for Canada geese (or any other dark goose species except white-fronted geese) and light geese not to exceed 107 days. For white-fronted geese, either option A - 74 days with a bag limit of two and possession of four or option B - 88-day season with a bag limit of one and possession of two. In addition to general waterfowl seasons, falconers may take migratory game birds during the special "extended" falconry season. Commissioner Budd – Did you give proposed season dates at the last meeting? Bidrowski – No, what was discussed at last meeting was September teal season, which is in the workshop session. We will not have dates until the June meeting. Commissioner Budd – Expect liberal package or 97 in High Plains and 74 in Low Plains again? Bidrowski – Yes, with populations and precipitation in prairie pothole region. Commissioner Budd – On youth season, that is two additional days outside of these parameters? Bidrowski – Yes, however we must remain within 107 day maximum. Commissioner Budd - Who is on waterfowl committee? Bidrowski – Two migratory bird game specialists, myself and Rich Schulteis; one district biologist from each of our five regions, Wes Sowers-Region 1, Aaron Baugh-Region 3, Jeff Rue-Region 4, I will have to look up other two. Commissioner Budd – Send me email with those. Bidrowski - Sure; also have managers from major waterfowl areas, Karl Grover-Cheyenne Bottoms, Monte Manbeck-Neosho, Karl Karrow-Marais des Cygnes; two associate members: Tim Menard with the USFWS, he is our liaison for national wildlife refuge system here in Kansas; and Josh Williams from Ducks Unlimited (DU). The associates are non-voting members. I am chair and recommendations come from us to my supervisor Mike Mitchener, up to Joe Kramer and to Keith Sexson. Commissioner Budd – Because of controversy we had last year on southeast zone, are you open to recommendation if we can have some informal discussion here today from Commission on proposed dates? Bidrowski – We always look for feedback, but anything outside normal feedback I would have to refer to my supervisors. Secretary Jennison – Believe what Commissioner Budd is asking for is actually what takes place; our natural resource professionals should be able to make recommendations which comes up through administrative process and then on to the Commission. Believe the procedure we have is the best procedure where we give recommendations. When it comes to Commission, you all have a constituency that you represent and you put your stamp of approval on or do what you did last year and bring forth your recommendations and modify it. Commissioner Budd – After discussion last year, give you this thought: I'd like to see in SE zone, October 26 and 27 youth

season, regular opener on November 2 and 3, open regular duck season on November 16 and run through November 26; would give us 74 days. That would give two weekends. I am going to respect the Secretary's opinion of the process. I was just trying to avoid the heated discussion like we had last year. Chairman Lauber – I feel like it would not have been as heated if we had done this, and I appreciate your suggestion, but feel Secretary Jennison's opinion on the procedure is the way we do it. I think I hear compromise there and I appreciate that.

Commissioner Budd – I know I was contacted by a lot of hunters around Great Bend, Roger what do you think? Commissioner Marshall – My opinion is that there are a lot of opinions and it is hard to make this perfect for everyone. Is there room on the early committee for a couple of hunters from each one of these zones? I feel they view it differently than biologists or managers. Don't know how you would choose those people. Chairman Lauber – That adds 10 more people and more difficult to meet; feel we need these discussions earlier, like we are doing today, to have ample opportunity to discuss. Like to see it with professionals the way it is now. Bidrowski – That is why we have representative from DU, because he represents the hunters and we do the best we can to solicit feedback from all. June briefing book will include results of last year's hunter survey; and we surveyed that zone again this year and have a significant return rate and are evaluating that now. This briefing is announcing we are accepting comments regarding the season. Commissioner Doll – Will we have harvest estimates in June? Bidrowski – Populations, historic harvest information and results from harvest surveys. Commissioner Doll – Will you have harvest numbers? Bidrowski – Those will come from the USFWS in late June or early July; we will look at preliminary numbers. Chairman Lauber – We will have hunter preferences from the surveys? Bidrowski – Correct, as well as results from the 6,500 surveys we sent out last year. Chairman Lauber – I agree with Commissioner Budd that I would like to see it not be as controversial as last year. My recommendation is to have you come back as planned in June.

Commissioner Wilson – We have youth opener, then regular duck season opener on November 2 and 3 and then have split? Commissioner Budd – That was my suggestion. Commissioner Wilson – Split of how many days? Commissioner Budd – Twelve days. Commissioner Wilson – Then open again on November 16? Bidrowski – Similar to what we had this year, but instead of opening on Thursday/Friday it would be Saturday/Sunday. Commissioner Budd - One of biggest concerns last year was a weekday opener and not having an early season opener and would appreciate you considering my proposal. Commissioner Marshall – Only have one split? Bidrowski – Correct, in early Low Plains zone, one split or two segments.

C. Workshop Session

1. Early Migratory Bird Seasons – Tom Bidrowski, waterfowl biologist, presented this report to the Commission (Exhibit I). Teal are one of the earliest migrating waterfowl in Kansas. Frameworks will be set in June 20, and as long as the blue-winged teal May Breeding Population Index (BPI) is between 3.3 million and 4.6 million birds, a 9-day teal season can be held; if it exceeds 4.7 million, a 16-day season can be allowed. Based on last year's (2012) blue-winged teal breeding population of 9.2 million and very good spring habitat conditions in the Prairie Pothole Region, we again expect a 16-day season. There is a catch in the High Plains Zone, west of Hwy 283: the Migratory Bird Treaty Act only allows 107 days for any one given species so with general duck season 97 days and two youth days, that only leaves eight days maximum. However for the past three years we have adopted a 9-day teal season, which resulted in a 96-day regular duck season in the High Plains zone. We expect federal frameworks to be similar, with release of teal harvest assessment bag and possession limits might change, but will not know

until June 20 meeting. Seasons can be held between September 1 and September 30 and we are looking at a 16-day season with four bird bag and eight bird possession limits, with shooting hours ½ hour before sunset. Historic seasons, starting in 1992 are listed in the briefing book as well as teal harvest. Staff recommendations for Low Plains zone, a 16-day season running September 7 through 22, 2013 and for the High Plains zone, a 9-day season running September 14 through 22, 2013, which will result in a loss of one hunting day in the High Plains zone regular season. Commissioner Budd – Why would High Plains have 96 or 97 days and Low Plains have 74 days, but we get a 16-day Low Plains teal season? Bidrowski – High Plains unit was established in late 1960s to take advantage of mallard populations in that unit, lower hunter density results in lower harvest; disparity in harvest is why Mississippi and Atlantic Flyways have 60 days and the Pacific and Central have 107. Commissioner Budd – The feds set the number of days? Bidrowski - Correct, that is part of USFWS framework and has been offered since 1972. Chairman Lauber – On table 1 of hunter harvest, those years where we had nine hunting days, those were when we had the moderate package? Bidrowski – No those were based off when the teal population was between the range of 3.3 million and 4.6 million birds. We have been in liberal package since 1996; teal numbers have been steadily increasing and are the second most numerous duck species behind mallards which is right at 10 million.

2. Agritourism Regulations – Chris Tymeson, legal counsel, presented this report to the Commission (Exhibit J). Transfer of regulations from Department of Commerce to wildlife and Parks with ERO. Now transferring six regulations from Department of Commerce and to KDWPT with minor changes. Revoke six and enact six new ones at next meeting.

3. Fort Riley Deer and Other Considerations - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit K). One item came back after we approved 25-9 to continue monitoring crossbow activities. Otherwise same as discussed in previous meeting. Crossbow hunters will be required to get an ID number from the department. Chairman Lauber – Does free mean \$2? Didn't think KOALS gave anything free? Fox – Not going through KOALS, free to public. Commissioner Marshall – Get this when you purchase deer tags? Fox – Can obtain at any of our offices or get it online. Commissioner Marshall – Not at Wal-Mart? Fox – No, suspect they would have trouble pulling that up. Commissioner Wilson – Going to facilitate post season survey, do you have results? Fox – Yes. We had those prior to setting of 25-9, and I hope to have that available next year when we set 25-9. Chairman Lauber – One concern was crossbow hunters affecting bowhunter numbers. Commissioner Budd – It seems complicated to me, may need owner's manual. Fox – Have gone through to simplify regulations, then with pressure, have put procedures back in place. Have 30 different classes of permits on deer that the agency sells through KOALS. All of these changes complicate the system, but are highly desired by deer hunters. Commissioner Budd – Had 3-4 phone calls last week that we are going to have special two-day gun season? Fox – In October. Chairman Lauber – That was not our decision. Commissioner Budd – Hard for you to manage. Chairman Lauber – Our manual is smaller than some other states. Feel we will be able to do this and then not do it in the future. Commissioner Bolton – I am a doe hunter, got two and didn't have any problems. Some people are happy with the way it is.

Break

4. Furbearer Regulations – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit L). Twelve changes that span five regulations. Have comments on three items discussed at last meeting and will go over them only. Two years ago we specified that foothold traps must be smooth-jawed. This applied to both land and water sets. Since then, some trappers have complained about the inability to use toothed traps, and injury rate not much different. Opposition to our recommendations, and support for change is limited. Second item is the coyote hunting issue; the recommendation is to prohibit use of radios and vehicles during the primary 12-day firearm deer season, which came as the result of road hunting and trespassing issues. Kevin Jones gave presentation during Commission meeting a few years ago, and coyote hunting was closed during the firearm deer season from 1978 to 1985 and during the first 2 days in 1986 and 1987. Staff considered solutions and options and looked at closing season during 12-day firearm deer season. We realize hound hunters will be affected, but only 12 days out of four- or five-month season. Coyote hunters are responsible for some of the complaints we have been receiving. This will eliminate excuse of coyote hunting when actually hunting deer. No additional restrictions. Third item is otter season changes being considered: eliminate the 100 otter season quota; eliminate requirement to contact the department within 24 hours of harvest; require only teeth to be turned in rather than carcasses, which would eliminate requirement to present pelt for tagging within four days of harvest. Instead require pelt to be tagged within seven days of season similar to bobcat regulation. The two-otter season limit per trapper is retained. Most otters are in upper two tiers of the state, but allows incidental take. Commissioner Doll – On language in bullet point, elaborate on loopholes? Peek – Can catch hunter in hunter orange or hunting from a vehicle, but they say they are coyote hunting. Another issue would be a group of hunters driving coyotes in a draw and another group hunting deer at the end of the draw. Also, eliminate use of radios while coyote hunting. Commissioner Doll – How many occurrences? Jones – No specific number. We didn't record individual instances, but the majority of officers spoke about this issue while in the field. Dealt with these issues for several years and felt we needed to bring this forward through the regulation. Commissioner Doll – Individual can still call a coyote or trap it? Jones – Yes, as long as not hunting from a vehicle or using a two-way radio during those 12 days. Chairman Lauber – Legitimate dog hunters are the ones effected. Commissioner Bolton – It would easier to advocate for if incidents had been documented. Jones – Didn't do statistical count but could go back and look at reports and come up with numbers. I just don't have them now. Commissioner Budd – Who was in charge of deer 1978 to 1985? Fox – Keith Sexson. Sexson – Same type of issues. We had request for that type of season, and we closed coyote hunting all together at that time. We have backed away from it since then. But when staff sees enough conflict and abuse of one activity to mask another we felt it was time to take action. Commissioner Budd – Do you feel deer road hunting was reduced? Sexson – Using vehicles to take deer continues to be an issue. I don't remember back that far. Commissioner Budd – Why did we back away? Sexson – Pressure to open the season. We had it closed completely. Commissioner Budd – Do you feel closing it for the 12 days will reduce road hunting? Jones – Not eliminate it but better for law enforcement officers to enforce. Commissioner Budd – How long is current coyote season? Jones – Year around? Commissioner Budd – What about hound hunters? Peek – About five months. Commissioner Budd – As commissioners, I assume we all received the same comments from constituents. There are so few law enforcement officers to enforce game laws; what if we sunset it, keep track of areas and impacts? Singular issue of hunting deer from road and trespassing as secondary? Jones – We could keep track of data. Commissioner Budd – But too complicated? Jones – We could do that.

Commissioner Budd – Looking for a middle ground, not very many species of wildlife we can hunt 365 days a year, don't feel big burden to take out 12 days. Hound hunters afraid will close more and more. Chairman Lauber – I'd like to hear some public comment. Jones – Interesting thing is that this is the only time this comes up, not during bowhunter season or regular firearms season. Chairman Lauber – If takes away loophole, but we won't have any data.

Doug Mantis – Coyote hunter with dogs, hunt in Wellsville area. If this is taken away, poachers will just find other ways. Proposal isn't right to single coyote hunters out. I hunt with dogs, how would I hunt during that time? Jones – Issue is not using dogs, but using motor vehicles, only exception is coyotes, illegal for all others. Mantis - I have seven dogs and I feed them 365 days a year; there are different types of coyote hunters. Law says we can hunt 365 days, but can't run dogs in summer, first part of November to first part of February only, and get permission from landowners. I have as much right as the deer hunters. We will bypass a property of there is another hunter there hunting deer. Or the landowner can request no hunting during deer season. We spend thousands of dollars to do this every year (handout of figures - Exhibit M). This is 12 days, but what is next? Commissioner Doll – How many dogs do you run? Mantis - Five, this year expect to have 7 or 8. Typically hunt with 3-4 trucks. Suggestions: Take guns out of truck if coyote hunting with vehicle. Don't take it away from those hunting with dogs. Take hunter orange out of the vehicle; maybe have them wear fluorescent green. Poachers are the problem here, not us. Commissioner Marshall – How much do you hunt on public land? Mantis – Zero, none where I hunt. Chairman Lauber – Can't drive dogs around. Commissioner Budd – I know you are here representing hound hunters, understand that we have to look at completely different perspective; having trouble with outlaws using vehicles, have to make it as easy as we can on our law enforcement folks. Problem is deer hunting. Is there a compromise with you guys? Mantis – Yes, those items I suggested. Commissioner Budd – Too much burden on law enforcement. Stan Booth (did not sign roster) – If vehicle is driving down the draw and has high powered rifle beside him, if they have orange on and rifle and no dogs, they are not coyote hunting. Chairman Lauber – That may be, but if you were to write that citation, not sure have burden of proof. County attorneys make those decisions and they need more evidence than logical conclusions. Booth – Should be able to give them a ticket. Most of those road hunters are city folks. I hunt almost every day and I have 14 dogs. Why can't you give them a ticket? We don't carry a high powered rifle; use .22 pistol to scare them out of the brush. Jones – Based on legal requirement, to give ticket, probable cause or prove beyond a reasonable doubt, but up to county attorney, so far not been able to achieve that. Talk to landowner and have him identify hunter, if they can't, give them a trespassing ticket. Chairman Lauber – It is more complicated from law enforcement standpoint. Commissioner Budd – From regulations we have in place, if one of Kevin's guys wrote ticket, enforceable in court of law? Tymeson – Not against the law to drive around in truck with rifle and wear hunter orange; also, constitutional rights are an issue. Have ability to ask someone, but they don't have to answer and can't haul them to landowner. Booth – We are good people, but bad in every group no matter what it is. Chairman Lauber – Point is well taken, focus is not the guy who hunts with dogs, everyone wants to complain about game warden, if tickets thrown out of court, makes it harder.

Kerwin Nichols, Carbondale – Know this is an issue, did proposal on things we can do. If take away 12 days, person will use any excuse to go out there. There are poachers where I live, but we spend a lot of money, chokehold to shut us down for 12 days. Commissioner Wilson – You have a recommendation? Nichols – Wear green and take high powered rifles from vehicles.

Mike Bohannon, Sumner County – Easy solution, in 12 days don't shoot a coyote, they follow us

around and wait for us to scare out the deer. Game wardens are put in a no-win situation. Quit all coyote hunting at during that time. Chairman Lauber – What would Farm Bureau or Livestock Association say about no hunting during those 12 days?

Tim Donges – Agree with Officer Jones, seen firsthand with coyote hunters. When we allow shooting coyotes out of a pickup, do we consider that fair chase? These guys here are not shooting from a pickup, but putting dogs out. This is creating pressure for the ones hunting legitimately out there, want access for everyone, not just coyote hunters. What does general public think about shooting out of pickups. Landowners and hunters have seen enough of this over the years. Commissioner Budd – Narrowed down to a small window; need compromise from your opinion to their opinion to find fair ground. Like idea of closing it for two weeks, but like their idea of no high-powered rifles, too.

Sig Collins (did not sign roster), southwest of Hutchinson – Ranch in family since 1886, here when no coyote hunting and it didn't kill any of us. Have people leasing land and buying 80 acres and think they have control over 640 acres. Clear trespass issues, there is a problem, but different than back in 1978-1986, not near as many out-of-state hunters then. Take something from deer hunters too; move feeders away from property line. I don't hunt during those 12 days anyway. Biggest problem is from landowners or people who are leasing the land. Commissioner Budd – How did the closed season affect you? Collins – Don't run coyotes out of respect for deer hunters.

Ron Klataske, Manhattan – Hunted deer for 41 years and host other hunters on our land. Support department's proposal on this; it's better than closing completely like before. Hope it will not dramatically reduce their interest. I have also hosted dog hunters. I think I would have to file charges for a game warden to write a trespass ticket on my land.

Jim Childs, east of Arkansas City, – I enjoy luxury, around when closed before; it affected me, I went to Oklahoma, and possess license there now, as well as in Kansas. What do we do about those transporting their dogs back from Oklahoma? I hunt by myself; coyote hunting is addictive. I understand your standpoint, fine those poaching and leave us alone. This is the beginning of a snow ball effect. I hunt where I have permission, but stay clear of deer hunters.

Unknown Audience – Have to keep dogs in shape and have to start all over again if you close for 12 days.

OE Guest, Wellington – Like you to pass law to have no guns in vehicles. I run trail hounds seven days a week. Commissioner Doll – Keith, why did it go away? Sexson – Pressure from Ag community. It was a political/social issue. Peek – Not everyone got a deer license back then and one of the commissioners was a coyote hunter.

Bill Douglas, Yates Center – Started hunting with dogs in 1968, offended when couldn't hunt, started hunting deer. Know this is enacted with best intent; no one likes slob hunter; two different things, sight hounds (greyhounds) and hounds. Amazed you can hunt out of a vehicle. Who opened this can of worms? Seems deer hunters are taking precedence over coyote hunters. All have to pay the penalty for the few. If we have to make concessions leave out rifles and hunter orange; don't have to have CB radio and hunt by yourself. Only hurting truly legitimate dog hunters; we try to police our own groups. Don't hunt same ground as deer hunter. Would feel better if closed completely again. Don't have any answers, but feel we were not even thought of. Colorado passed law that there is no hunting out of vehicles, period. I called there and asked them how they handle it; know coyote hunters out there and never got satisfactory answer. What this is about is deer takes precedence anymore over all other species. Moral would be, make sure of who all is being affected by a law; those innocent ones are the ones being

affected. Commissioner Doll – Is a reasonable alternative the green vest and no rifles? Jones – I would have to give that some consideration, something that has been brought up. I know people will do extraordinary things to circumvent the law. Commissioner Budd – Chris, could we say no firearms in the vehicle? Tymeson – Enhanced possession right of firearms in Kansas. Not unlawful to drive around with rifle or handgun in your truck. Again, it would be an educated guess, no law on that constitution. Commissioner Budd – Affect a whole lot of people if no firearms. Chairman Lauber – Can department look at this further, maybe come up with a compromise if there is one? Douglas – Why not rescind law to shoot out of the truck? Chairman Lauber – Look at history and come up with something. Commissioner Bolton – As we change any of these, close coyote hunting, not saying that – just taking away vehicles and radios. Mantis – These 12 days are like our rut too, this is when we get our calls too because the coyotes are really out. Douglas – Take those 12 days away from waterfowl hunters and see what they say. Chairman Lauber – Appreciate you folks coming. Secretary Jennison – Thank coyote hunters for coming out, one thing I want to point out is that we did this without consideration for the other side. We had a significant problem we had to deal with, we gave you the opportunity to come here and make your points today. Predator trapping is important to us too. Commissioner Doll – Come back in June with alternatives or recommend what you are recommending now? Secretary Jennison – You can come up with amendments. Tymeson – You can come up with amendments. Commissioner Doll – Is this only alternative you will come back with? Tymeson – Because of timing this came out in Kansas register today so you can come up with an alternative or amendment if we need to. Commissioner Budd – One alternative would be to take guns out of vehicle, legally can we do that or not from legal standpoint? Booth – What is limit on high powered rifle, still .223? Chairman Lauber – Will change to all centerfire rifles this year. It would have to be no centerfire rifles. Tymeson – Also have had handgun issues in last couple of years, so can't restrict that. Commissioner Budd – Encourage both sides of this issue that some things are mandated by the legislature. Good compromises, but don't know if it will stand up so go backing to drawing board, but will have to vote. Unknown Audience – Minnesota got around it. Tymeson – They have their own legislature and we have ours, so don't know. Commissioner Doll – Come up with alternative? Try to change at last minute. Tymeson – Can address alternative or amendment. Commissioner Doll – Can Kevin or that group come up with an amendment? Tymeson – If those guys come up with an amendment we will get it to you as soon as we can. There may be no alternative to satisfy what the department is trying to do. Chairman Lauber – Could we extend this to August? Tymeson – Would have to republish and resubmit. Commissioner Budd – When would we have to do that? Tymeson – Need to count back the days from August 1 meeting. Secretary Jennison – We will discuss this and your comments will be looked at; feel we can make the June timeline. Chairman Lauber – Need a few more facts before we can offer amendments. Commissioner Doll – Needs to be alternative brought forth other than what is presented right here. Commissioner Marshall – If you come up with different alternative then this is taken care of? Commissioner Budd – If we try to do it the night of the vote, it is confusing for counsel and commission. Only legal consideration is can you, or can you not, have guns in vehicle? Answer that and go on way toward that. Commissioner Doll – Can department come back with solid recommendation and one or two alternatives? Commissioner Dill – A way to write this is write exception for those running dogs, don't think you can take the guns out of vehicles. Couldn't we say no vehicles or radios except if running dogs and take care of that. Commissioner Doll – Get communication out to public in the meantime before June meeting. Chairman Lauber – Come up with alternatives. Tymeson – Have them look at them and put them

out online and it will be in briefing book. Commissioner Dill – Can you defer vote on that section of the regulation? Tymeson – Best alternative will be for department to come up with recommendations. Chairman Lauber – If we don't like them don't have to pass them. Unknown Audience – What do we do now? Commissioner Doll – Get organized within your group. Chairman Lauber – Good honest comments and thoughts and you know how to get a hold of us.

5. Lesser Prairie Chicken Federal Listing Update - Keith Sexson, assistant secretary, presented this report to the Commission (Exhibit N). Indicated USFWS opening comment period, thought they would open this week, expect not for two weeks. On April 30 we are planning a webinar, a new technique for us, working with extension offices in southwest Kansas, doesn't preclude someone from signing on at their personal computer; starts at 7:00 pm. Gave you news release (Exhibit O), aimed at landowners. Leaders are Jim Pitman; Rod Winkler, FSA; and John Unger from NRCS. May 15 is close of comment period on the plan itself to be in position to submit final plan to USFWS. Next week briefing USDA on this plan in Washington habitat, interest from Department of Ag and some of their environmental marketing groups in terms of what we have to offer in habitat trading and banking aspects within this plan. Our plan is to affect the listing itself, want to see not-warranted decision and trying to provide baseline for USFWS to arrive at that decision. Closing is still September 30, 2013.

6. Prairie Chicken Regulations - Jim Pitman, small game biologist, presented this report to the Commission (Exhibit P). On schedule due to listing process from now until October as a place holder because we are not sure how we will have to make recommendations to correspond with the listing decision. Will bring forward recommendation in August and either pass it or amend it in October. Tymeson – A version of the regulation will be published for October vote not knowing what September will bring. If no listing, no change. Commissioner Wilson – Where would I find information on why they want to list? Pitman – The proposed rule is listed on their website. Our opinion is that not all of the threats they listed are real, and the ones that are we addressed in range-wide plan. Chairman Lauber – Once they are listed they are listed. Pitman – Have to make determination for the entire range or not at all. Tymeson – This is like wolf litigation is ongoing, 10 years of ongoing litigation; a complex issue and not sure where that is today. There is no biological distinct population.

7. Public Land Regulations – John Silovsky, public lands regional supervisor, presented this report to the Commission (Exhibit Q). Three regulations will be adopted on public lands: into 8-1, 8-2 and 8-23. KAR 115-8-1 is general regulation for department lands. KAR 115-8-2 blinds, tree stands, and decoys - clarifying or defining stands and blinds to remove the word “tree” and refer to them only as stands. KAR 115-8-23 bait, hunting and providing a definition of baiting. There is a possible issue in the department-managed dove fields under the current definition. Had non-toxic shot areas in past, but didn't discuss where those occurred. Commissioner Budd – Remove time restrictions? Silovsky – Yes. Ken Lockwood, Cheney – Rehabilitator, would like to ask Commission remove lead shot. Take in birds, had eagle last week that was poisoned, not from being shot, but ingested by eating an animal that has been shot with it. I am pro-hunting, but also believe good hunter is a good conservationist. It takes one pellet and it is a slow torturous death for them, takes about 12 days to die. Like to see you remove lead shot completely.

VII. RECESS AT 5:07 p.m.

VIII. RECONVENE AT 7:00 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

XI. DEPARTMENT REPORT

Secretary Jennison - Reference to small print on licenses; based on El Dorado comments worked with KOALS and there will be larger print now.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Bill Kehr, Wichita – From Hill City, mascot is ringneck pheasant, population smaller, no hunting except for public ground, all ground is leased. Have asset you don't want to lose, make money and have tourism. Can hunt ditches in South Dakota and that is public land. Told that is mowed on a county by county basis, but I believe you could change that. Can't hunt until 9:00, make it earlier to get people to stay overnight and help local economy. Do tests on counties (pilot areas) to leave ditches unmowed.

Ed Reece, Wichita – Hunted coyotes all over the state. What is problem you are trying to address? Chairman Lauber – Complaint is vehicle and radio hunting, using coyote hunting as excuse for deer hunting; a complicated issue. A law enforcement problem and had sympathy for dog hunters. Reece – What does average deer hunter spend on a hunt? Commissioner Marshall – Share your comments. Reece – Spent \$6,800 to coyote. Chairman Lauber – Sympathetic to your situation, but how much you spend is not an issue; we are trying to come up with a solution, and variety of ideas to solve this issue. Reece – Would like to have background information, why was coyote hunting banned? Chairman Lauber – Banned in 1978 and reinstated in 1985, not trying to eliminate dog hunter. Don't feel traditional dog hunters are the problem; some people are using only sport that allows shooting from the vehicle. Reece – Not in support of ban; in my opinion most coyote hunters don't go out on first weekend of deer hunting. Chairman Lauber – There are issues, but not from legitimate dog hunters.

Chuck Nelson – Have question on trap size. Comment on mowing ditches, city and counties are mowing to prevent fires, do something like what Kansas City does, like controlled burns and leave strips unmowed. On coyote hunters – first 2-3 days ban for those days only and maybe that would help them. That time is the time pelts are prime. Can see where shooting out of vehicle would be a big problem. On trap size regulations, 7 inches; concern is beaver want hind leg catch, need 7 ½- to 8 ½-inch trap; handicapping control work for beaver trappers. Coyote can be caught in No. 5, but in winter have to cover it and jaw won't work so need 7 or 7 ½ inches to come up through that cover. Chairman Lauber – Asking us to use larger jaw traps? Nelson – Yes. Chairman Lauber – Had a couple of dogs killed in conibear traps, never ending haunting tale and we were trying to do something in response to that. Your point will be taken into consideration, but concerned with dogs being trapped.

XI. DEPARTMENT REPORT

D. Public Hearing

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

1. KAR 115-2-3. Camping, utility, and other fees. – Linda Lanterman, parks division assistant director, presented this report to the Commission (Exhibit S). The proposed amendment would reduce the monthly recreational vehicle short-term parking cost from \$125.00 per month to \$50 a month for someone who wants to leave their boat or RV in the parks. Last summer we had several RV owners who pushed their RVs off into the cedar trees. A group of farmers requested this of us in western Kansas. The five locations are Meade, Glen Elder, Kanopolis, Scott and Webster.

Commissioner Don Budd moved to approve KAR 115-2-3 before the Commission. Commissioner Debra Bolton seconded.

The roll call vote on KAR 115-2-3 as recommended was as follows (Exhibit T):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-2-3 passed 7-0.

2. KAR 115-4-11. Big game and wild turkey permit application. - Lloyd Fox, big game biologist, presented this report to the Commission (Exhibit U). The proposed amendments add two units (from 4 to 6 units) and permit application process consistent with management unit changes for spring and fall seasons.

Commissioner Roger Marshall moved to approve KAR 115-4-11 before the Commission. Commissioner Randy Doll seconded.

The roll call vote on KAR 115-4-11 as recommended was as follows (Exhibit V):

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-4-11 passed 7-0.

3. KAR 115-25-7. Antelope; open season, bag limit, and permits. – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit W). The proposed version of the regulation reduces permits slightly over previous years. Permit allocations are: 96 firearm and 24 muzzleloader permits for Unit 2, a 5 percent decrease; 36 firearm and 10 muzzleloader permits for Unit 17, a 9 percent decrease; in Unit 18 same as last year, 10 firearm and 8 muzzleloader permits.

Commissioner Debra Bolton moved to approve KAR 115-25-7 before the Commission. Commissioner Tom Dill seconded.

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

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

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

4. KAR 115-25-8. Elk; open season, bag limit, and permits. – Matt Peek, furbearer biologist, presented this report to the Commission (Exhibit Y). The proposed version of the regulation merely updates the season dates from the previous year. Permit allocations: 10 any-elk and 15 antlerless elk authorized in Unit 2, which encompasses Fort Riley and Unit 3.

Commissioner Tom Dill moved to approve KAR 115-25-8 before the Commission. Commissioner Debra Bolton seconded.

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

Commissioner Bolton	Yes
Commissioner Budd	Yes
Commissioner Dill	Yes
Commissioner Doll	Yes
Commissioner Marshall	Yes
Commissioner Wilson	Yes
Commissioner Lauber	Yes

The motion as presented KAR 115-25-8 passed 7-0.

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

June 27, 2013 – Garden City (Lee Richardson Zoo – Finnup Center)

August 1, 2013 – Yates Center (Woodson County Community Center)

October 17, 2013 – Hutchinson (KS Cosmosphere; tour 9:00 am - Underground Salt Mines)

January 9, 2014 – Winfield (Southwestern College)

XIV. ADJOURNMENT

The meeting adjourned at 7:31 p.m.

(Exhibits and/or Transcript available upon request)

Secretary's Remarks

Agency and State Fiscal Status
No briefing book items – possible handout at meeting

BILLS PASSED IN 2013 SESSION

SB49 (KDWPT initiative)/HB 2218--Current law made it unlawful to operate a vessel with a blood or breath alcohol concentration of .08 at the time of or within two hours of operating a vessel. This bill would increase the time period from two hours to three hours after operation of a vessel, making it consistent with state DUI laws for motor vehicles. The bill was passed favorably by the Senate 39-0 and was recommended favorably for passage in the House Committee but was stricken from House General Orders. Ultimately, the provisions of the bill were incorporated into conference committee report on HB2218 and signed by the Governor on May 22, 2013.

SB57--The department supported the provisions of this bill related to domestic deer. Under statute, anyone possessing domesticated deer must be permitted under the Kansas Department of Agriculture. This bill amended that statute to allow the Department of Agriculture to request assistance from the Kansas Department of Wildlife, Parks and Tourism in implementing and enforcing laws governing domesticated deer. This bill passed the Senate 40-0, the House 87-32 and was signed by the Governor on April 16, 2013.

SB74--This bill would have prohibited the Department of Corrections (DOC) from producing modular homes, including KDWPT cabins. KDWPT requested an exemption to allow DOC to produce the cabins being placed in state parks. The bill was amended to protect the KDWPT cabin program and passed the Senate 36-4 and the House 87-32. The bill was signed by the Governor on April 10, 2013.

HB2244 (KDWPT initiative)/ SB 83--The bill was introduced as a result of the ballot issue which passed in November 2012 allowing the state constitution to be amended to change the way watercraft are taxed in the state. The bill, as introduced, would have gradually reduced the percentage of appraised value used to assess property tax on a watercraft to 20 percent in 2014, 10 percent in 2015, then exempting watercraft from taxation for tax year 2016 and thereafter. The bill was referred to a sub-committee and the subcommittee recommended back to the full committee a different bill that reduced the percentage of assessed valuation slowly over a period of 6 years to 11.5 percent. The full committee then amended the substitute bill to reduce the percentage of value that watercraft are assessed at to 11.5 percent in 2014 and 5 percent in 2015 and thereafter. The amended version passed the House on Emergency Final Action 107-15. It was received and introduced to the Senate on March 27. The provisions of this bill were then incorporated into the conference committee report on SB83, which was signed by the governor on April 16, 2013.

Senate Resolution 1711--This resolution opposed the black-footed ferret programmatic harbor agreement and environmental assessment drafted by the U.S. Fish and Wildlife Service, which involves black-footed ferrets that were reintroduced into Logan County in 2007. The resolution passed the Senate as amended 31-9.

HB2030 (KDWPT initiative)--This bill allows the department to issue 10 "Wounded Warrior Deer Permits" to disabled veterans who sustained injuries in combat and have a service-connected disability of not less than 30 percent. The purpose of the bill is to accommodate last minute requests by the certain individuals for nonresident deer permits. The permits must still be paid in full. The bill passed the House 115-0, the Senate 40-0 and was signed by the Governor on April 2, 2013.

HB2052--This bill created the crime of unlawful discharge of a firearm within or into the corporate limits of any city. However, it allows the discharge of a firearm to lawfully take wildlife, including nuisance wildlife, if approved by the KDWPT and the governing body of the city. The bill passed the House, as amended, 121-2. It was referred to the Senate Committee on Federal and State Affairs and had a hearing. The bill was dramatically amended to include items from other firearm-related bills but still included original provisions related to unlawful discharge of a firearm in the city limits. The amended version of this bill passed the Senate 35-5, after conference committee, was signed by the Governor on April 16, 2013.

BILLS THAT DID NOT PASS IN 2013

SB50 (KDWPT initiative)--This bill would require anyone born on or after Jan. 1, 1989 to complete an approved boater education course before operating a vessel without supervision. Current law exempts anyone 21 or older from education requirements. The bill was referred to the Senate Natural Resources Committee and had a hearing Jan. 24, 2013.

SB94--This bill deals with certain crimes and punishments and amends the definition of a firearm to exempt antique firearms including matchlock, flintlock and percussion cap muzzleloaders, making it consistent with the federal definition of firearms.

SB223--This bill would authorize use of a crossbow by all hunters during big game archery season and was referred to the Committee on Natural Resources. The Department opposed this bill. The bill had a hearing scheduled but it was cancelled due to actions taken by the KDWPT Commission.

HB2076--This bill would exempt any honorably discharged veteran who resides in Kansas and has a service connected disability equal to or greater than 30 percent from all hunting and fishing license/permit requirements and fees. The department opposed this bill. This bill had a hearing Jan. 29, 2013 and was tabled in committee on February 6, 2013.

HB2362 -- This bill would amend provisions of the nongame and endangered species conservation act, specifically redefining critical habitat as it relates to a threatened and endangered species, as well as significantly changing how species are designated threatened or endangered in Kansas. The department opposed the bill, which was referred to the Committee on Agriculture and Natural Resources. This bill had a hearing on February 25 and saw no further action.

General Discussion

Tourism Briefing

No briefing book items – possible handout at meeting

VI. DEPARTMENT REPORT

B. General Discussion

2. KAR 15-25-(5-6) Turkey; seasons, bag limits, permits, & game tags

Background

The 2013 spring turkey season was open during the entire months of April and May and included three different seasons (archery, youth/disabled, and regular). The fall 2013 season will open on October 1 and run through the end of January but will be closed during the regular firearm deer season (Dec. 4-15). Hunting is now regulated within the same six management units during both seasons (Figure 1). The six hunt units line up with the management units the department uses to monitor turkey populations and hunter activity. This consistency now allows us to better utilize our data to make harvest recommendations.

The department currently sells spring turkey permits to more than 41,000 hunters and fall turkey permits to more than 10,000 hunters. Those individuals purchased 73,581 carcass tags for the most recent spring season (2013) and 14,261 for the most recent fall season (2012; Table 1). Nonresidents account for 31.5 percent of Kansas' spring hunters and 19.4 percent of the fall hunters. Harvest has averaged around 33,000 and 13,000 over the last several spring and fall seasons, respectively (Table 1). The fall 2012 and spring 2013 harvest figures were not yet available at the time of this report.

Population Status and Productivity

In recent years, the Kansas turkey population had declined in most regions of the state (Figure 1). The declines were primarily due to poor production brought about by inadequate weather conditions during the peak nesting and brooding periods. Conditions were improved in 2012 for productivity in most regions and as a result production was 52.2 percent above the previous 10-year average and 150.4 percent better than the previous year. Production was above the 10-year average in every region of the state, which led to an uptick in the populations this spring in most locations. The strong productivity in 2012 provided a lot of jakes for the past spring season and will offer some very good hunting opportunities over the next couple of years.

Discussion

A couple of years ago the department adopted a strategy to help guide staff recommendations on wild turkey bag limits during both the spring and fall seasons. The intent of the strategy is to maintain a high level of hunter success in every hunt unit and provide a more consistent method of developing staff recommendations. The strategy includes a hierarchy of regulation packages for both the spring and fall seasons and established triggers for when and how changes to bag limits will be recommended. At the time of this report, the data from the spring 2013 season had not yet been analyzed. Thus, it is not yet known if any of the established triggers have been hit yet or not. Those data will be used to guide the staff recommendation that will be brought back to the commission at the next meeting.

Table 1. Kansas wild turkey permit sales, total harvest, and hunter success for each of the last 5 seasons, 2009-2013.

Year	Spring			Fall		
	Permits & Game Tags	Total Harvest	Success ^a (%)	Permits & Game Tags	Total Harvest	Success ^a (%)
2009	62,788	33,350	61	12,957	4,664 (35%) ^b	41
2010	66,621	34,991	63	12,989	3,954 (38%)	39
2011	64,972	32,298	61	12,914	3,677 (39%)	36
2012	63,928	31,239	60	14,261	NA ^c	NA
2013	73,581	NA	NA	NA	NA	NA

^a Success was the percentage of active hunters harvesting ≥ 1 bird.

^b Percentage of harvest composed of females.

^c NA = not available

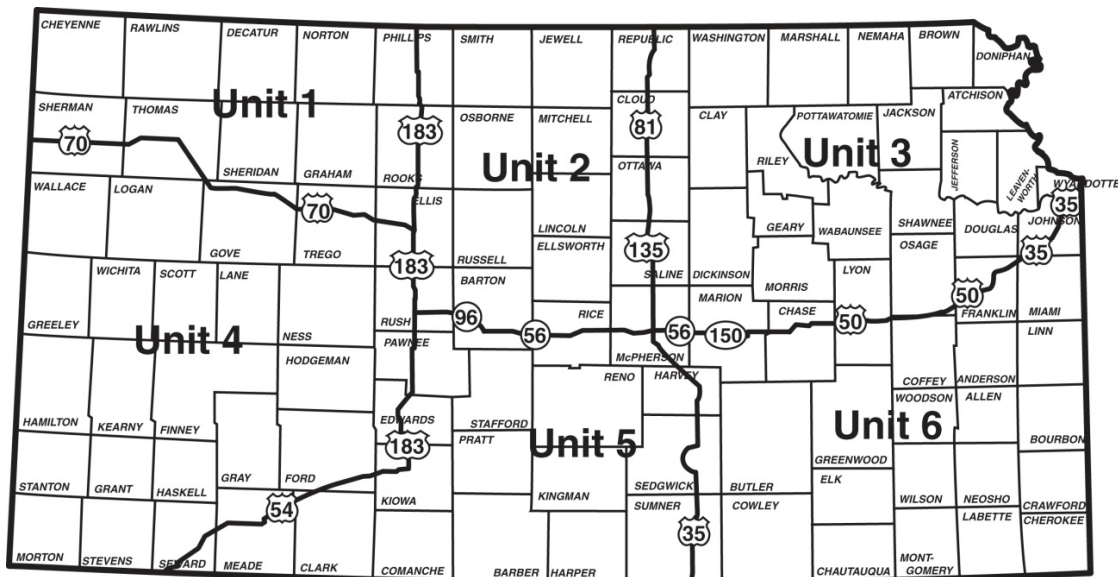


Figure 1. The map depicts the hunting units for Kansas' 2013 turkey seasons. A spring turkey permit could be purchased over-the-counter for Units 1, 2, 3, 5, and 6. Five hundred spring permits were issued for Unit 4 through a pre-season drawing and they were also valid in adjacent units. An additional spring game tag could be purchased over-the-counter and was valid in Units 1, 2, 3, 5, and 6. A fall turkey permit can be purchased over-the-counter for Units 1, 2, 3, 5, and

6. Up to three additional fall turkey game tags can be purchased and will be valid in Units 2, 3, 5, and 6. There will be no fall turkey hunting allowed in Unit 4.

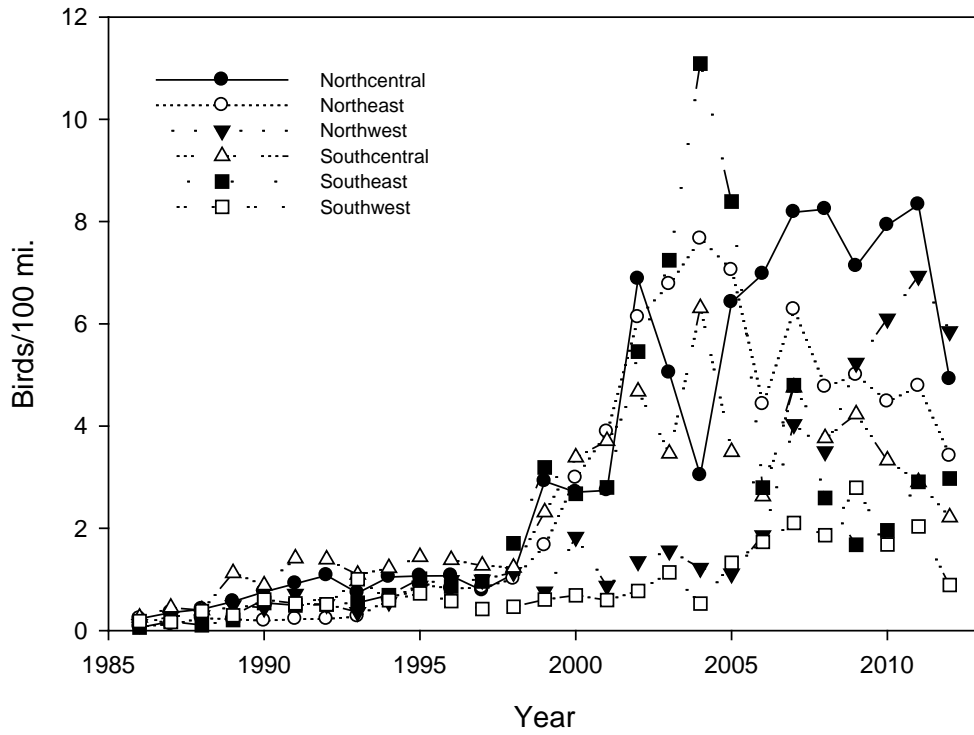


Figure 2. The spring rural mail carrier index (birds/100 mi. traveled) to wild turkey populations in the 6 Kansas management regions, 1986-2012.

Youth Permit Pricing and Permit Changes

In 2012, Kansas residents under the age of 16 purchased 18,171 deer, antelope and turkey permits. Resident youth permits are currently priced at half the price of regular resident big game and turkey permits. However, when comparing how other states price youth permits and seeing the number of youth permits they sell, KDWPT staff has been discussing further reduction in the price of all youth permits. While the initial figures would show a revenue loss, a significant increase in sales was seen in Nebraska and Missouri when youth permit prices were reduced. In Missouri, youth permit prices were significantly reduced mid-way through 2009. The resident youth deer permit price went from \$17.50 to \$6.50 and a nonresident youth deer permit went from \$175 to \$9.50. Missouri youth permit sales increased from 66,478 in 2008 to 80,354 in 2011. In Nebraska, resident youth deer permits were priced at \$27 in 2008, and 6,726 were sold. In 2010, the price for a resident youth deer permit was reduced to \$5 and 10,334 were sold. Nonresident youth deer permits were \$177 in 2008 and 128 were sold. In 2010, the price of a nonresident youth deer permit was \$5 and 921 were sold. All youth deer and turkey permits are now \$5 in Nebraska. Recruiting young hunters is a major point of emphasis in the KDWPT mission, and permit prices may be a deterrent, especially in families with two or three young hunters. Staff is also discussing reducing the price of nonresident youth permits. Currently, all nonresidents, regardless of age, must have a nonresident hunting license. Nonresident youth 15 and younger pay \$35 for the hunting license, which is half-price. There are no price breaks for nonresident youth big game or turkey permits.

RESIDENT YOUTH

PERMIT	PRICE	NO. SOLD	TOTAL REVENUE	PROPOSED PRICE	REVENUE DIFFERENCE
Fall turkey	\$10	756	\$7,560	\$5	- \$3,780
Spring turkey	\$10	3,373	\$33,730	\$5	- \$16,865
Spring Turkey Combo	\$15	1,121	\$16,815	\$10	- \$5,605
Either-species antlerless	\$7.50	55	\$412.50	\$7.50	0
Either-species muzzleloader	\$15	81	\$1,415	\$10	- \$405
Pronghorn archery	\$20	8	\$160	\$10	-\$80
Any-season whitetail	\$15	8,231	\$123,465	\$10	-\$41,155
Whitetail antlerless	\$7.50	4,035	\$30,262	\$7.50	0

TOTALS			\$213,819.50		-\$67,890
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NONRESIDENT YOUTH

PERMIT	PRICE	NO. SOLD	TOTAL REVENUE	PROPOSED PRICE	REVENUE DIFFERENCE
Youth hunting license	\$35	2655	\$92,925	\$35	\$0
Spring turkey	\$30	679	\$20,370	\$10	- \$13,580
Spring Turkey Combo	\$45	117	\$5,265	\$20	- \$2,925
Spring turkey game tag	\$20	281	\$5,620	\$10	- \$2,810
Fall turkey	\$30	101	\$3,030	\$10	- \$2,020
Fall turkey game tag	\$20	28	\$560	\$10	-\$280
Youth Deer	\$300	453	\$135,900	\$150	-\$67,950

TOTALS			\$277,030		-\$89,565
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Workshop Session

2014 Reference Document Proposed Changes for Special Length and Creel Limits:

- Gridley City Lake -- add 10-inch minimum length limit on crappie, add 18-inch minimum length limit and 2/day creel limit on smallmouth bass and change to a 18-inch minimum length limit on largemouth bass.
- Shawnee County-Lake Shawnee -- change to a 2/day creel limit on largemouth bass.
- Holton-Elkhorn Lake -- change to a 13- to 18-inch slot length limit and 5/day creel limit on largemouth bass.
- Miami State Fishing Lake -- change to a 13- to 18-inch slot length limit and 5/day creel limit on largemouth bass.
- Brown State Fishing Lake -- change to an 18-inch minimum length limit and 2/day creel limit on largemouth bass.
- Leavenworth State Fishing Lake -- remove the 13- to 18-inch slot length limit on largemouth bass.
- Garnet City Lake North -- change to 5/day creel limit on largemouth bass.
- Woodson State Fishing Lake -- change to 5/day creel limit on largemouth bass and remove 10/day creel limit on crappie.
- Garnett-Cedar Valley Reservoir -- remove the 20/day creel limit on crappie.
- Yates Center City Lake -- remove the 10-inch minimum length limit and change to 20/day creel limit on crappie.
- Howard-Polk Daniels Lake -- change to a 13- to 18-inch slot length limit and on largemouth bass and Spotted Bass.

Length and Creel Limits for Grand Osage Wildlife Area:

The following change is being proposed.

- Change to a 13- to 18-inch slot length limit and 5/day creel limit on largemouth bass.

Float Fishing Locations:

The following new locations are being proposed.

- Elk City Reservoir
- Fall River Reservoir
- Glen Elder Reservoir
- Lovewell Reservoir

Other Proposed 2014 Fishing Regulation Changes.

Amendment to Fishing provision.

No person may fish by any method or collect bait within a fish passage, fish ladder or fishway.

Discussion:

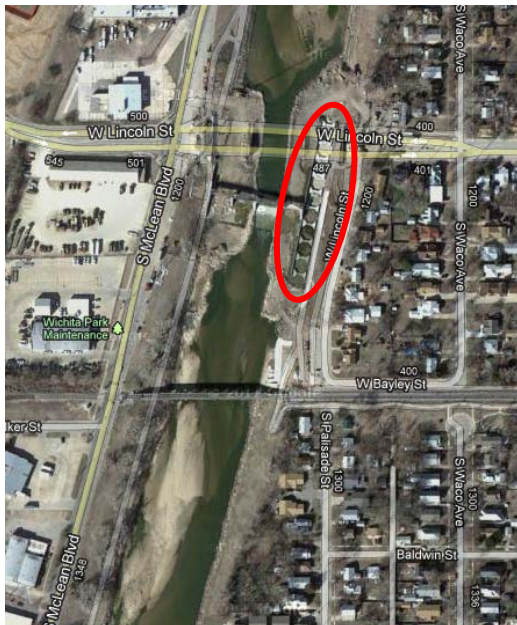
This proposal will protect fish (including sportfish, baitfish and T&E species) within fish passages. A high concentration of fish within the passage leads to concern on over-harvest, especially during spring and summer spawning periods. Because the fish passage at Lincoln Street Dam in Wichita also incorporates a design to allow the passage of kayaks and canoes traveling downstream, this amendment will reduce safety concerns for paddlers and anglers using the area.

Definition.

“Fish passage” (also known as a fishway, fish ladder or fish steps) means a structure on, through, or around an artificial barrier such as a dam, to facilitate the natural migration of fish upstream.

Existing Fish Passage.

Lincoln Street Dam in Wichita, KS:



Park Regulations
2013 Posted Notice
Effective Calendar Year 2014

Background: This initiative is intended to strengthen posted notice regulations in the courts, as well as provide the opportunity for the public to comment on our posted notices. We are in the process of compiling a reference document for posted notices in state parks.

Examples of posted notices are as follows,

1. No glass containers on beaches
2. No Hunting Allowed in state park
3. Day-use Only
4. No swimming or fishing off courtesy docks

Regulation: To be developed.

2013-2014 LATE MIGRATORY GAME BIRD SEASONS

June 27, 2013

BACKGROUND

The U.S. Fish and Wildlife Service (USFWS) annually develops the frameworks for states to establish migratory game bird hunting seasons. The USFWS frameworks establish maximum bag, possession limits and season lengths, as well as earliest opening and latest closing dates. States must operate within the frameworks when establishing state-specific waterfowl seasons. Late migratory game bird frameworks are published in August, after results from the May Breeding Duck Survey and other population and harvest data are available and recommendations from the various Flyway Councils are reviewed at the USFWS Regulation Committee Meeting (August 1). Working within the confines of the USFWS frameworks, KDWPT annually establishes general waterfowl seasons, youth hunter waterfowl days and falconry waterfowl seasons during their late migratory game bird season setting process.

DUCK, MERGANSER, AND COOT SEASONS

Since 1995, Adaptive Harvest Management (AHM) has been adopted for setting duck hunting regulations in the United States. The AHM approach provides the framework for making objective decisions through four regulatory packages listed below. Optimal AHM strategies are calculated using: (1) harvest-management objectives specific to each mallard stock; (2) regulatory alternatives; and (3) current population models and associated weights for midcontinent mallards.

AHM Regulatory Packages

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

The 2013-2014 Federal Frameworks for ducks, mergansers and coots will not be determined until the August 1 USFWS Service Regulations Committee (SRC) Meeting. However, based on the 2012 duck population estimate of 48.6 million birds (43 percent above the long-term average) and current habitat conditions in the Prairie Pothole Region, another high production year for ducks is expected and will likely result in liberal Federal Frameworks for the 2013-2014 season. Kansas has been in these liberal frameworks since 1996. Listed below are the previous year's (2012-13) Federal Frameworks as prescribed by the Liberal regulatory package. Note that individual species bag limits frequently change from year to year.

Outside Dates:

- Between the Saturday nearest September 24 (September 21 in 2013) and the last Sunday in January (January 26 in 2013)

Season Length:

- *High Plains Unit*: 97 days. The last 23 days may start no earlier than the Saturday nearest December 10 (December 7 in 2013)
- *Low Plains Unit*: 74 days

Bag & Possession Limit:

- *Duck*: 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), 2 redheads, 3 wood ducks, 2 pintails, and 1 canvasback
- *Merganser*: The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. States have the option to include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers
- *Coot*: The daily bag limit is 15 coots
- The possession limit is twice the daily bag limit

Zones/ Split Options:

- *High Plains* – no zones and up to 2 segments
- *Low Plains* – 3 zones with each having up to 2 segments
Or 3-way split season, no zones

Shooting Hours: One-half hour before sunrise until sunset daily

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, under the following guidelines:

1. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate.
2. 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.
3. The daily bag limits may include ducks, geese, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.
4. Shooting hours would be one-half hour before sunrise to sunset.
5. 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 duck hunt but may participate in other seasons that are open on the special youth day.

CANADA, WHITE-FRONTED, BRANT, AND LIGHT GEESE

Harvest prescriptions for the Central Flyway’s goose populations are based on population and harvest objectives as specified in population specific management plans. The 2013-14 Federal Frameworks will not be determined until the August 1st USFWS SRC Meeting. Listed below are the previous year’s (2012-13) Federal Frameworks:

Outside Dates:

- *Dark Geese* (Canada, White-fronted, and Brant): may be selected between the outside dates of the Saturday nearest September 24 (September 21 in 2013) and the Sunday nearest February 15 (February 16 in 2013)

- *Light Geese* (Ross's and Snow): may be selected between the outside dates of the Saturday nearest September 24 (September 21 in 2013) and March 10
- *Light Goose Conservation Season*: January 1 through April 30 (KAR 115-18-16)

Season Length and Bag Limits:

- *Dark Geese*:
 - o Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 3 and possession limit of 6
 - o White-fronted geese, States may select either a season of:
 - Option A: 74 days with a bag limit of 2 and possession of 4
 - Option B: 88-day season with a bag limit of 1 and possession of 2
- *Light Geese*: not to exceed 107 days with a daily bag limit of 20 with no possession limit
- *Light Goose Conservation Order*: Must be held outside of all other waterfowl seasons and no daily bag or possession limits. Electronic calls as well as shotguns (no larger than 10 gauge) capable of holding in excess of 3 shells are permitted

Shooting hours:

- *General Goose Seasons*: One-half hour before sunrise to sunset
- *Light Goose Conservation Season*: One-half hour before sunrise to one-half hour after sunset

Zones/ Split Options:

- *General Goose Seasons*: No zones and up to 2 segments
- *Light Goose Conservation Season*: No zones or splits

EXTENDED FALCONRY SEASON

In addition to general waterfowl seasons, falconers may take migratory game birds during the special "extended" falconry season. The combined total number of days of take (i.e. teal season, general waterfowl season, and falconry) cannot exceed the Migratory Bird Treaty Act imposed maximum allowable annual hunting days for any one species of 107. Listed below are the previous year's (2012-13) Federal Frameworks for the extended falconry season:

Outside Dates:

- September 1 - March 10

Season Length:

- For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments

Bag & Possession Limit:

- The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit. These limits apply to falconry during both regular hunting seasons and extended falconry seasons. The falconry bag and possession limits are not in addition to regular season limits.

Hawking Hours:

- One-half hour before sunrise to sunset

STAFF RECOMMENDATIONS

Kansas has a diverse landscape that offers a variety of different waterfowling opportunities. Season dates are designed to take in account the life histories (population dynamics, migration phenology and etc.) of Kansas waterfowl species and hunter preferences (where they hunt, when they hunt and how they hunt). There are over 27 species of ducks in KS with varying life histories strategies and habitat needs. In addition, waterfowl stakeholders can have competing interest. Since 1997, Kansas has remained at the most liberal of duck harvest packages. With a possible 97-day season in the High Plains and 74-days in the Low Plains there are a variety of season options. Each season scenario has its own value in addressing certain hunting preferences. KDWPT objective when developing staff recommendations for waterfowl season dates is to *provide the greatest opportunity for Kansas waterfowl hunters within the biological capacity of the species*. Below are KDPWT staff recommendations for the 2013-14 Kansas waterfowl seasons.

DUCK, MERGANSER, AND COOT SEASONS

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: Oct-5, Sat to Dec-2, Mon & Dec-21, Sat to Jan 26- Sun (96 days)*
- Low Plains Early: Oct-5, Sat to Dec-8, Sun & Dec 21, Sat to Dec-29, Sun (74 days)
- Low Plains Late: Oct-26, Sat to Dec-29, Sun & Jan-18, Sat to Jan-26, Sun (74 days)
- Low Plains Southeast: Nov-2, Sat to Jan-05, Sun & Jan-18, Sat to Jan-26, Sun (74 days)

* 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.

YOUTH WATERFOWL HUNTING DAYS

Adopt federal frameworks for the special youth waterfowl hunting days.

- High Plains: Sept-28, Sat to Sept-29, Sun (2 days)
- Low Plains Early: Sept-28, Sat to Sept-29, Sun (2 days)
- Low Plains Late: Oct-19, Sat to Oct-20 (2days)
- Low Plains Southeast: Oct-26, Sat to Oct-27, Sun (2 days)

CANADA, WHITE-FRONTED, BRANT, AND LIGHT GEESE

Adopt Option A for white-fronted geese and federal frameworks for season length, daily bag limit, possession limit and shooting hours for dark and light Geese.

- White-Fronted Geese: Oct-26, Sat to Dec-29, Sun & Feb-08, Sat to Feb-16, Sun (74 days)
- Canada Geese: Oct-26, Sat to Nov-03, Sun & Nov-13, Wed to Feb-16, Sun (105 days)**

- Light Geese: Oct-26, Sat to Nov-03, Sun & Nov-13, Wed to Feb-16, Sun (105 days)**
- Light Goose Conservation Order: Feb-17, Mon to Apr-30, Wed (73 days)

** 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.

EXTENDED FALCONRY SEASON

- Low Plains Early: Feb-24, Mon to Mar-10, Mon (15 days)
- Low Plains Late: Feb-24, Mon to Mar-10, Mon (15 days)
- Low Plains Southeast: Feb-24, Mon to Mar-10, Mon (15 days)

Figure 1. Kansas Duck Hunting Zones

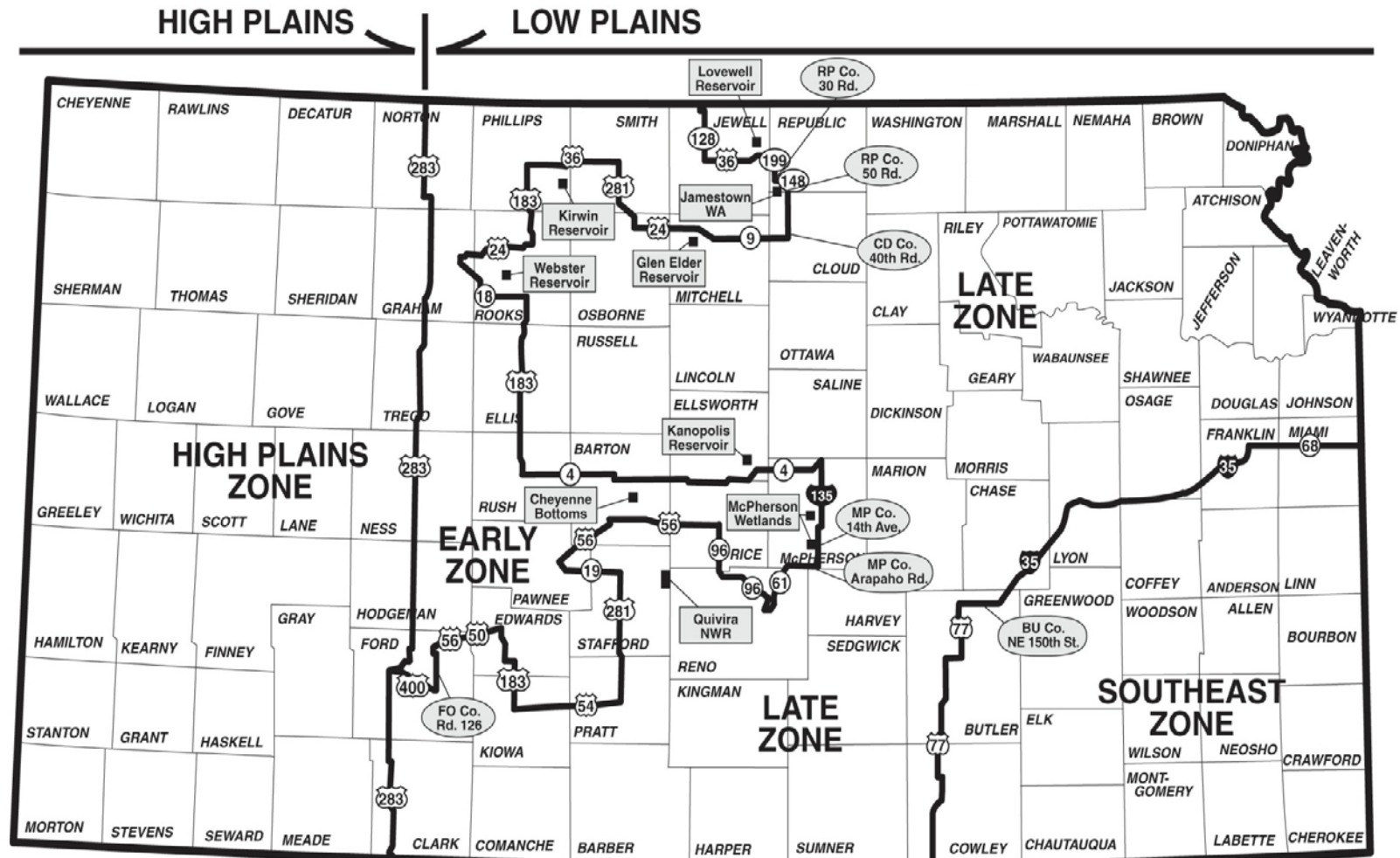


Table 1. Historic season dates by zone in Kansas from 1992 to 2012.

Year	Season Days	High Plains (HP)	Low Plains Early	Low Plains Late	Low Plains Southeast
2012	74 +23 HP	Oct 6 - Dec 30 Jan 19 - Jan 27	Oct 6 - Dec 2 Dec 15- Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	Nov 15 - Jan 27
2011	74 +23 HP	Oct 8 - Jan 2 Jan 21 - Jan 29	Oct 8 - Dec 4 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	Nov 5 - Jan 8 Jan 21 - Jan 29
2010	74 +23 HP	Oct 9 - Jan 3 Jan 22 - Jan 30	Oct 9 - Dec 5 Dec 18 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
2009	74 +23 HP	Oct 10 - Jan 5 Jan 23 - Jan 31	Oct 10 - Dec 6 Dec 19 - Jan 3	Oct 31 - Jan 3 Jan 23 - Jan 31	--
2008	74 +23 HP	Oct 4 - Dec 30 Jan 17 - Jan 25	Oct 11- Dec 7 Dec 20 - Jan 4	Oct 25 - Dec 28 Jan 17 - Jan 25	--
2007	74 +23 HP	Oct 6 - Jan 1 Jan 19 - Jan 27	Oct 13 - Dec 9 Dec 15 - Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	--
2006	74 +23 HP	Oct 7 - Jan 2 Jan 20 - Jan 28	Oct 14 - Dec 10 Dec 16 - Dec 31	Oct 28 - Dec 31 Jan 20 - Jan 28	--
2005	74 +23 HP	Oct 8 - Jan 3 Jan 21 - Jan 29	Oct 15 - Dec 11 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	--
2004	74 +23 HP	Oct 9 - Jan 4 Jan 22 - Jan 30	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
2003	74 +23 HP	Oct 11 - Jan 6 Jan 17 - Jan 25	Oct 11 - Dec 14 Dec 26 - Jan 3	Oct 25 - Nov 2 Nov 8 - Jan 11	--
2002	74 +23 HP	Oct 12 - Jan 7 Jan 18 - Jan 26	Oct 12 - Dec 15 Dec 24 - Jan 1	Oct 26 - Nov 3 Nov 9 - Jan 12	--
2001	74 +23 HP	Oct 6 - Jan 1 Jan 12 - Jan 20	Oct 13 - Dec 16 Dec 24 - Jan 1	Oct 27 - Nov 4 Nov 10 - Jan 13	--
2000	74 +23 HP	Sep 30 - Jan 1 Jan 19 - Jan 21	Oct 7 - Dec 10 Dec 23 - Dec 31	Oct 21 - Oct 29 Nov 4 - Jan 7	--
1999	74 +23 HP	Oct 2 - Jan 2 Jan 20 - Jan 23	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 23 - Oct 31 Nov 6 - Jan 9	--
1998	74 +23 HP	Oct 3 - Jan 3 Jan 14 - Jan 17	Oct 10 - Dec 13 Dec 26 - Jan 3	Oct 24 - Nov 1 Nov 7 - Jan 10	--
1997	74 +23 HP	Oct 4 - Jan 4 Jan 15 - Jan 18	Oct 4 - Dec 7 Dec 20 - Dec 28	Oct 25 - Dec 14 Dec 20 - Jan 11	--
1996	60 +23HP	Oct 12 - Dec 1 Dec 7 - Jan 7	Oct 12 - Dec 1 Dec 21 - Dec 29	Nov 2 - Dec 15 Dec 21 - Jan 5	--
1995	60 +23HP	Sep 30 - Oct 3	Oct 21 - Oct 29	--	--

Year	Season Days	High Plains (HP)	Low Plains Early	Low Plains Late	Low Plains Southeast
		Oct 14 - Dec 17 Dec 23 - Jan 5	Nov 11 - Dec 17 Dec 23 - Jan 5		
1994	49 +12 HP	Oct 15 - Oct 31 Nov 11 - Dec 11 Dec 21 - Jan 2	Oct 22 - Oct 31 Nov 11 - Dec 11 Dec 26 - Jan 2	--	--
1993	39 +12HP	Oct 16 - Oct 31 Nov 13 - Dec 5 Dec 22 - Jan 1	Oct 23 - Oct 31 Nov 13 - Dec 12	--	--
1992	39 +12HP	Oct 17 - Nov 8 Nov 21 - Dec 6 Dec 26 - Jan 6	Oct 31 - Nov 13 Nov 21 - Dec 6 Dec 26 - Jan 3	--	--

Table 2. Estimates of active duck hunters, regular season duck harvest, average duck per hunter, average seasonal bag per hunter, and total duck hunter days in Kansas from 1999 to 2011 as estimated by the Harvest Information Program.

Year	Active Duck Hunters	Regular Season Duck Harvest	Avg Duck/ Hunter Days	Avg Seasonal Duck Bag	Duck Hunter Days
1999	16,900	203,226	7.5	13.9	126,800
2000	14,900	195,555	7.2	15.2	107,400
2001	16,344	168,267	6.2	11.1	100,989
2002	15,426	202,093	6.7	13.9	102,744
2003	15,100	203,184	7.1	15.5	107,600
2004	19,200	249,126	6.5	14.2	124,000
2005	11,600	145,413	7.6	13.7	87,700
2006	12,663	133,701	6.7	12.8	85,416
2007	13,021	135,523	6.3	12.7	82,149
2008	16,531	208,056	6.4	13.9	106,154
2009	14,259	176,862	6.5	13.6	92,081
2010	13,053	168,422	6.1	14.3	79,064
2011	13,534	178,112	7.1	15.0	96,138
avg	14,810	182,118	6.8	13.8	99,864

Figure 1. Estimates active duck hunters and duck harvest in Kansas from 1999 to 2011 as estimated by the Harvest Information Program.

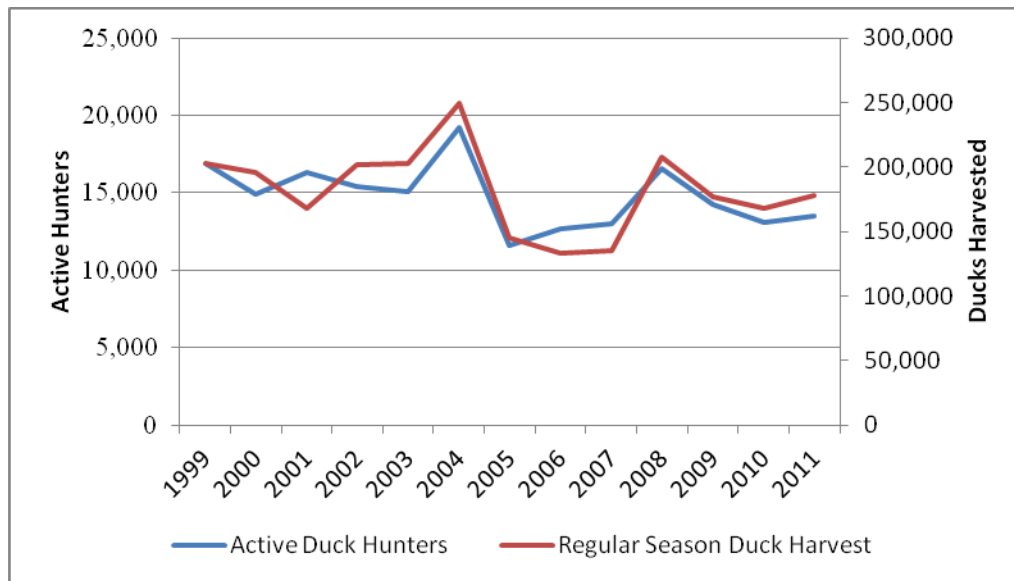


Table 3. Duck species composition in the Kansas regular duck season harvest from 1999 to 2011 as estimated by the Harvest Information Program.

Year	Total Duck Harvest				American Wigeon	Northern Shoveler	Pintail	Wood Duck	Diver Harvest**
	Mallard	Gadwall	Teal*						
1999	203,226	114,167	27,189	28,854	7,075	4,578	5,410	4,439	10,404
2000	195,555	102,846	29,363	30,257	12,520	1,789	7,453	2,683	7,154
2001	168,267	97,739	19,154	21,123	6,265	3,401	7,339	3,938	8,055
2002	202,093	93,112	36,572	34,891	13,032	3,783	4,624	3,153	10,614
2003	203,184	95,711	41,063	28,794	15,513	4,258	4,157	3,751	8,315
2004	249,126	133,582	41,374	35,824	13,371	5,298	3,280	3,027	10,595
2005	145,413	84,193	21,629	14,785	7,332	4,277	3,666	1,589	7,453
2006	133,701	55,780	30,594	12,339	7,944	6,254	2,704	2,874	14,198
2007	135,523	61,041	27,687	23,478	6,638	4,210	2,591	1,133	7,125
2008	208,056	98,160	34,080	26,400	17,760	2,400	6,872	3,600	16,864
2009	176,862	80,574	27,589	27,223	11,511	7,674	5,664	3,106	11,876
2010	168,422	76,639	30,940	18,642	8,415	9,321	5,437	3,366	14,369
2011	178,112	85,163	29,553	22,244	8,262	8,262	5,243	2,224	14,777
Avg.	182,118	90,670	30,522	24,989	10,434	5,039	4,957	2,991	10,908

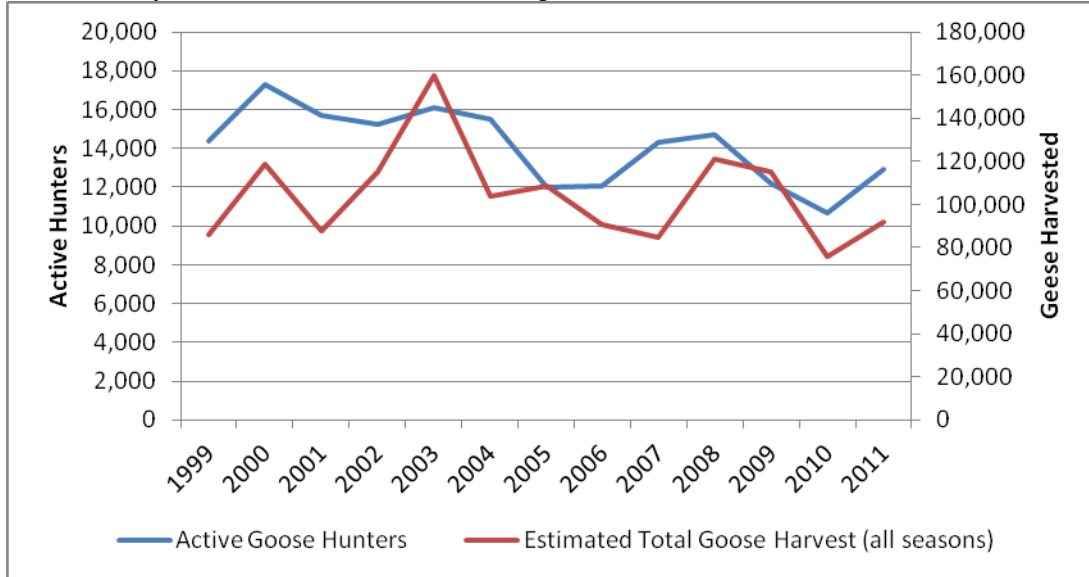
* includes both green-winged and blue-winged teal

** includes redhead, canvasback, ring-necked duck, lesser scaup, greater scaup, goldeneye and ruddy duck

Table 4. Estimates of active goose hunters, total season goose harvest, average goose per hunter, average seasonal bag per hunter, total goose hunter days, and regular season harvest for Canada, light goose and white-fronted geese in Kansas from 1999 to 2011 as estimated by the Harvest Information Program.

Year	Active Goose Hunters	Estimated Total Goose Harvest (all seasons)	Avg Goose Hunter Days	Avg Goose Seasonal Bag	Goose Hunter Days	Estimated Regular Season Canada Goose Harvest	Estimated Regular Season Light Goose Harvest	Estimated Regular Season White- fronted Goose Harvest
1999	14,400	85,700	6.5	5.9	93,300	66,255	12,048	5,476
2000	17,300	119,000	6.5	6.9	112,200	98,005	8,164	11,303
2001	15,715	87,499	5.7	5.6	89,663	72,707	4,405	4,721
2002	15,248	115,400	5.2	7.6	79,771	80,982	18,222	8,966
2003	16,100	159,700	7.2	9.9	116,200	123,866	19,263	9,735
2004	15,500	103,700	6.3	6.7	98,000	80,118	16,481	5,688
2005	12,000	108,300	7.1	9.1	84,800	99,178	3,689	970
2006	12,038	90,400	5.1	7.5	60,994	59,566	12,848	2,336
2007	14,294	84,699	5.6	5.9	79,723	59,968	10,943	13,788
2008	14,692	120,900	5.7	8.2	83,525	87,067	12,540	16,325
2009	12,213	115,201	6.5	9.4	78,955	92,267	4,267	12,267
2010	10,700	75,800	5.3	7.1	56,936	66,494	4,459	4,847
2011	12,900	91,653	5.9	7.1	75,795	51,900	19,876	19,877
avg	14,085	104,458	6.0	7.5	85,374	79,875	11,323	8,946

Figure 2. Estimates active goose hunters and goose harvest in Kansas from 1999 to 2011 as estimated by the Harvest Information Program.



Lesser Prairie Chicken Federal Listing Briefing

Significant declines in lesser prairie chicken (LPC) populations and their range were cause enough for the U.S. Fish and Wildlife Service (USFWS) to list the species as “warranted but precluded from listing” in 1996. This simply meant that it deserved a review for listing under the Endangered Species Act, but that a review would not take place because there were higher priority species. However, recently the priority status for LPC review went from a level 8 to a level 2 and as such, a preliminary review was completed. After a 60-day extension for a proposed ruling, on November 30, 2012, the USFWS announced the proposed listing for the LPC as threatened. As the result of the listing proposal, public hearings have been held by the USFWS in four of the five states (KS, OK, TX and NM) for the purpose of gathering public comments.

In response to the proposed listing as threatened, the five-state LPC Interstate Working Group (Kansas, Colorado, Oklahoma, New Mexico, and Texas) and its partners initiated, and have continued to develop, a range-wide conservation plan. If this plan can show with certainty that the number of birds and their habitats can be managed to levels that provide for a viable and stable population throughout the LPC’s range, it could influence the USFWS’s final listing decision.

The third version of the range-wide plan was sent to the USFWS on April 2 and was re-opened for additional comments. The comment period ends June 20 and those comments will be integrated into a fourth version of the plan which will be submitted to the USFWS by the end of June.

There is some indication that the USFWS will extend the listing deadline from September 30, 2013 to March 31, 2014 before the final rule is announced.

VI. DEPARTMENT REPORT

C. Workshop Session

5. K.A.R. 115-25-1. Prairie Chickens; seasons, bag limits & possession limits

DISCUSSION AND RECOMMENDATION

The intent of this item will be to provide some information about how a listing of the lesser prairie-chicken as a federally threatened species might affect prairie chicken hunting regulations for the state (Figure 1). Specific items that will be discussed include how a federal listing might affect our ability to hunt populations of solely lesser prairie-chickens and populations where both prairie chicken species co-exist (Figure 2).

The U.S. Fish and Wildlife Service is scheduled to release their final ruling on the listing status of the species by the end of September 2013. However, up to a six month extension could be granted later this summer which would move that date to the end of March 2014. The department is currently recommending no change to our current hunting regulation structure but we may need to quickly modify the regulations if a listing decision comes in the fall as currently planned. If a warranted decision is issued in the fall, we will need to quickly adapt our regulations to accommodate whatever incidental take provisions are issued with the ruling.

Figure 1. Prairie chicken hunting units, season dates, and bag limits in Kansas, 2012-2013.

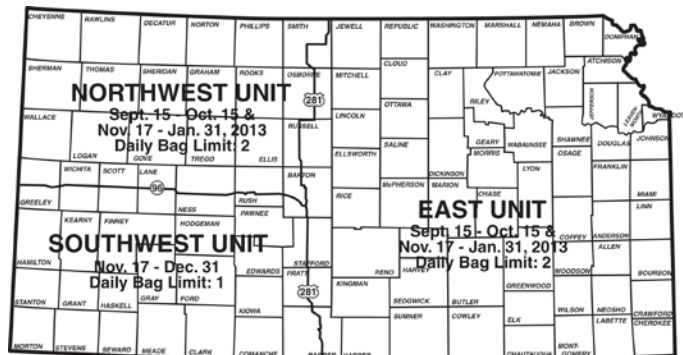
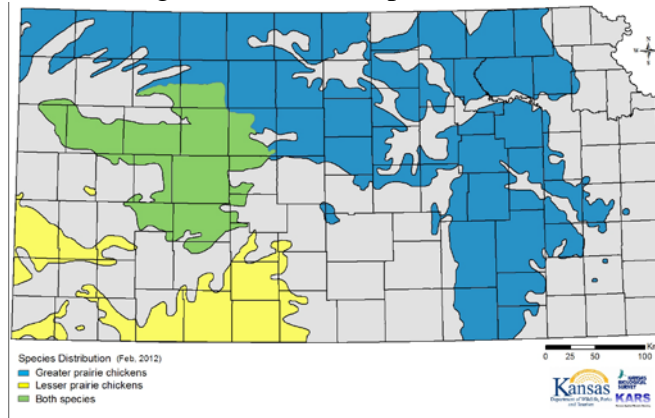


Figure 2. Current distributions of greater and lesser prairie-chicken in Kansas, 2011.



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 - April 25, 2013

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

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Thursday, June 27, 2013 at the Finnup Center for Conservation Education, Lee Richardson Zoo, 312 East Finnup Drive, Garden City, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., June 27 at the location listed above. The meeting will recess at approximately 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and 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. June 28 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. 110-12-1. This permanent regulation establishes definitions for the purposes of the agritourism regulations. The regulation is proposed for revocation as a result of ERO 36 and transferring authority from the Department of Commerce to the Department of Wildlife, Parks, and Tourism.

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. 110-12-2. This permanent regulation establishes registration requirements for the purposes of the agritourism regulations. The regulation is proposed for revocation as a result of ERO 36 and transferring authority from the Department of Commerce to the Department of Wildlife, Parks, and Tourism.

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. 110-12-3. This permanent regulation establishes costs qualifying for tax credits for the purposes of the agritourism regulations. The regulation is proposed for revocation as a result of ERO 36 and transferring authority from the Department of Commerce to the Department of Wildlife, Parks, and Tourism.

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. 110-12-4. This permanent regulation establishes tax credits for the purposes of the agritourism regulations. The regulation is proposed for revocation as a result of ERO 36 and transferring authority from the Department of Commerce to the Department of Wildlife, Parks, and Tourism.

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. 110-12-5. This permanent regulation establishes requirements for new registrations for the purposes of the agritourism regulations. The regulation is proposed for revocation as a result of ERO 36 and transferring authority from the Department of Commerce to the Department of Wildlife, Parks, and Tourism.

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. 110-12-6. This permanent regulation establishes mandatory contractual provisions for the purposes of the agritourism regulations. The regulation is proposed for revocation as a result of ERO 36 and transferring authority from the Department of Commerce to the Department of Wildlife, Parks, and Tourism.

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. 115-40-1. This new permanent regulation establishes definitions for the purposes of the agritourism regulations. The regulation is proposed for transfer from the Department of Commerce to the Department of Wildlife, Parks, and Tourism as a result of ERO 36.

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. 115-40-2. This new permanent regulation establishes registration requirements for the purposes of the agritourism regulations. The regulation is proposed for transfer from the Department of Commerce to the Department of Wildlife, Parks, and Tourism as a result of ERO 36.

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. 115-40-3. This new permanent regulation establishes costs qualifying for tax credits for the purposes of the agritourism regulations. The regulation is proposed for transfer from the Department of Commerce to the Department of Wildlife, Parks, and Tourism as a result of ERO 36.

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. 115-40-4. This new permanent regulation establishes tax credits for the purposes of the agritourism regulations. The regulation is proposed for transfer from the Department of Commerce to the Department of Wildlife, Parks, and Tourism as a result of ERO 36.

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. 115-40-5. This new permanent regulation establishes new registration requirements for the purposes of the agritourism regulations. The regulation is proposed for transfer from the Department of Commerce to the Department of Wildlife, Parks, and Tourism as a result of ERO 36.

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. 115-40-6. This new permanent regulation establishes mandatory contractual provisions for the purposes of the agritourism regulations. The regulation is proposed for transfer from the Department of Commerce to the Department of Wildlife, Parks, and Tourism as a result of ERO 36.

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. 115-5-1. This permanent regulation sets legal equipment, taking methods, and

general provisions for furbearers and coyotes. The proposed amendments would clarify that all types of foothold traps could be used in water sets, restrict the use of radios and vehicles during the regular firearms deer season, and remove trademarked language from the regulation.

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

K.A.R. 115-5-2. This permanent regulation sets possession, disposal, and general provisions for furbearers and coyotes. The proposed amendments to the regulation would require tagging by the department of all bobcats, otters, and swift fox taken in Kansas, remove provisions related to tagging deadlines for otters and change requirements for biological data collection for otters.

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

K.A.R. 115-6-1. This permanent regulation sets application, authority, possession of furs, records, and revocation for a fur dealer licensee. The proposed amendments would add otters to the list of furbearers that must be tagged when purchased by fur dealers and add provisions related to revocation of licenses.

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

K.A.R. 115-16-5. This permanent regulation sets operational requirements for wildlife control permits. The proposed amendments would allow the use of an individual's KDWPT number for marking trapping equipment and require nuisance otters to be tagged after take.

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

K.A.R. 115-25-11. This exempt regulation sets open season and bag limits for furbearers. This version of the regulation differs from previous versions in that it allows for incidental take of muskrats during the beaver trapping season when other seasons are closed and removes a statewide quota on otter harvest.

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

K.A.R. 115-8-1. This permanent regulation sets hunting, furharvesting, and discharge of firearms requirements on department lands and waters. The amendment is an update to the reference document, particularly related to the use of lead shot on specially marked dove fields during the dove season.

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

K.A.R. 115-8-2. This permanent regulation establishes certain requirements for blinds, tree stands, and decoys on public lands. The proposed amendments would remove references to tree stands as the word stand is more all encompassing.

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

K.A.R. 115-8-23. This permanent regulation establishes restrictions on the use of bait while hunting on department lands. The proposed amendments would better define baiting, particularly allowing manipulation of crops on KDWPT property for dove hunting.

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

K.A.R. 115-25-9a. This exempt regulation establishes additional considerations for the 2013-2014 firearm, muzzleloader and archery deer seasons. The main items in the regulation set the deer seasons on Fort Riley in order to better accommodate the changing training mission at Fort Riley. The regulation would also require all persons hunting for big game and wild turkeys with a crossbow to obtain a free crossbow permit prior to hunting in order to obtain survey data for harvest, similar to last season.

Economic Impact Summary: The proposed version of the regulation 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

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

April 11, 2013

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. 115-5-1; K.A.R. 115-5-2; K.A.R. 115-6-1; K.A.R. 115-8-1; K.A.R. 115-8-2;
K.A.R. 115-8-23; K.A.R. 115-25-9a; K.A.R. 115-40-3; K.A.R. 115-40-4

K.A.R. 110-12-1 through K.A.R. 110-12-6 (revocations)

Dear Chris:

Pursuant to K.S.A. 2012 Supp. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of your 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.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

A handwritten signature in black ink, appearing to read "Sarah Fertig".

Sarah Fertig
Assistant Attorney General

Enclosures

cc: Rep. Sharon Schwartz, Chair, Joint Committee on Rules and Regulations
Sen. Vicki Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Rep. Jan Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research, State Capitol, Room 68-W
Kenneth Wilke, Revisor of Statutes, State Capitol, Room 24-E



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

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April 11, 2013

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. 115-16-5; K.A.R. 115-25-11; K.A.R. 115-40-1; K.A.R. 115-40-2;
K.A.R. 115-40-5; K.A.R. 115-40-6

Dear Chris:

Pursuant to K.S.A. 2012 Supp. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of your 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.

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: Rep. Sharon Schwartz, Chair, Joint Committee on Rules and Regulations
Sen. Vick Schmidt, Vice Chair, Joint Committee on Rules and Regulations
Rep. Jan Pauls, Ranking Minority Member, Joint Committee on Rules and Regulations
Raney Gilliland, Legislative Research, State Capitol, Room 68-W
Kenneth Wilke, Revisor of Statutes, State Capitol, Room 24-E

110-12-1. (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,165, 74-50,166, 74-50,167, 74-50,168, 74-50,169, 74-50,170, 74-50,171 and 74-50,172, and 74-50,173; effective April 8, 2005; revoked P-_____.)

110-12-2. (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,168; effective April 8, 2005; revoked P-_____.)

110-12-3. (Authorized by and implementing K.S.A. 2004 Supp. 74-50,173; effective April 8, 2005; revoked P-_____.)

110-12-4. (Authorized by and implementing K.S.A. 2004 Supp. 74-50,173; effective April 8, 2005; revoked P-_____.)

110-12-5. (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,168; effective April 8, 2005; revoked P-_____.)

110-12-6. (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,169; effective April 8, 2005; revoked P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 110-12-1. Definitions.

DESCRIPTION: This regulation establishes definitions for the purposes of agritourism regulations. Based on ERO 36, the Department is revoking the regulations within the Department of Commerce section of K.A.R.'s and enacting the same regulation within the Department of Wildlife, Parks, and Tourism section of the K.A.R.'s.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No negative economic impact on the department, other state agencies, small businesses, or the public is anticipated from these amendments.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 110-12-2. Registration.

DESCRIPTION: This regulation establishes registration provisions for the purposes of agritourism regulations. Based on ERO 36, the Department is revoking the regulations within the Department of Commerce section of K.A.R.'s and enacting the same regulation within the Department of Wildlife, Parks, and Tourism section of the K.A.R.'s.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No negative economic impact on the department, other state agencies, small businesses, or the public is anticipated from these amendments.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 110-12-3. Liability insurance; costs qualifying for tax credits.

DESCRIPTION: This regulation establishes costs of liability insurance that qualify for tax credits for the purposes of agritourism regulations. Based on ERO 36, the Department is revoking the regulations within the Department of Commerce section of K.A.R.'s and enacting the same regulation within the Department of Wildlife, Parks, and Tourism section of the K.A.R.'s.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No negative economic impact on the department, other state agencies, small businesses, or the public is anticipated from these amendments.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 110-12-4. Tax Credits.

DESCRIPTION: This regulation establishes provisions for qualifying for tax credits for the purposes of agritourism regulations. Based on ERO 36, the Department is revoking the regulations within the Department of Commerce section of K.A.R.'s and enacting the same regulation within the Department of Wildlife, Parks, and Tourism section of the K.A.R.'s.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No negative economic impact on the department, other state agencies, small businesses, or the public is anticipated from these amendments.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 110-12-5. New registration form.

DESCRIPTION: This regulation establishes requirements for filing a new registration form for the purposes of agritourism regulations. Based on ERO 36, the Department is revoking the regulations within the Department of Commerce section of K.A.R.'s and enacting the same regulation within the Department of Wildlife, Parks, and Tourism section of the K.A.R.'s.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No negative economic impact on the department, other state agencies, small businesses, or the public is anticipated from these amendments.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 110-12-6. Contracts.

DESCRIPTION: This regulation establishes mandatory contractual provisions for the purposes of agritourism regulations. Based on ERO 36, the Department is revoking the regulations within the Department of Commerce section of K.A.R.'s and enacting the same regulation within the Department of Wildlife, Parks, and Tourism section of the K.A.R.'s.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No negative economic impact on the department, other state agencies, small businesses, or the public is anticipated from these amendments.

ALTERNATIVES CONSIDERED: None.

115-40-1. Definitions. As used in this article and for purposes of administering the act, each of the following terms shall have the meaning specified in this regulation:

(a) “Act” means agritourism promotion act, K.S.A. 2012 Supp. 32-1430 through K.S.A. 2012 Supp. 32-1438 and amendments thereto.

(b) “Cost” means an expenditure directly related to insuring any agritourism activity.

(c) “Department” means department of wildlife, parks, and tourism.

(d) “Liability insurance” means a policy insuring against the following:

(1) Loss, expense, or liability by reason of bodily injury or death by accident, for which the insured could be liable or have assumed liability and loss; and

(2) damage to any goods on the premises of the insured, or the loss of or damage to the property of another for which the insured is liable. (Authorized by and implementing K.S.A. 2012 Supp. 32-1438 and 32-1438a; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-40-1. Definitions.

DESCRIPTION: This new permanent regulation establishes definitions for the purposes of the agritourism regulations. The proposed regulation is a result of ERO 36 and transferring certain authorities from the Department of Commerce to the Department of Wildlife, Parks and Tourism. Simultaneously, the KDWPT is proposing to revoke the older regulations within the section of the regulations dealing with the Department of Commerce.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No appreciable negative economic impact is anticipated for the department, other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

115-40-2. Registration. (a) Each provider of an agritourism activity wanting to register the activity with the secretary pursuant to the act shall provide the information requested by the department. Upon request, a registration form shall be mailed to the provider. Although no charge is made for registration, no registration shall be deemed complete until the operator provides all of the information requested by the department.

(b) If an incomplete registration form is returned to the department, a request for the missing information shall be sent to the applicant. The applicant shall have 10 business days to respond to the request. If there is no response within this period, the registration form shall be returned, and the applicant's operation shall be considered not to be registered.

(c) The social security number from any registration form shall not be disclosed by the department. (Authorized by K.S.A. 2012 Supp. 32-807; implementing K.S.A. 2012 Supp. 32-1433; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-40-2. Registration.

DESCRIPTION: This new permanent regulation establishes provisions for registrations for the purposes of the agritourism regulations. The proposed regulation is a result of ERO 36 and transferring certain authorities from the Department of Commerce to the Department of Wildlife, Parks and Tourism. Simultaneously, the KDWPT is proposing to revoke the older regulations within the section of the regulations dealing with the Department of Commerce.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No appreciable negative economic impact is anticipated for the department, other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

115-40-3. Liability insurance; costs qualifying for tax credits. The following costs associated with liability insurance shall be eligible for the tax credits authorized by the act:

(a) The cost of a rider with a separate premium for specific risk for an agritourism activity; and

(b) the amount that an insurance agent certified on a tax credit form provided to the registered agritourism operator by the department of revenue and filed for the operator that represents the cost of the liability insurance covering the registered agritourism activity.

(Authorized by and implementing K.S.A. 2012 Supp. 32-807, 32-1438, and 32-1438a; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-40-3. Liability insurance; costs qualifying for tax credits.

DESCRIPTION: This new permanent regulation establishes costs for liability insurance that qualify for tax credits for the purposes of the agritourism regulations. The proposed regulation is a result of ERO 36 and transferring certain authorities from the Department of Commerce to the Department of Wildlife, Parks and Tourism. Simultaneously, the KDWPT is proposing to revoke the older regulations within the section of the regulations dealing with the Department of Commerce.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No appreciable negative economic impact is anticipated for the department, other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

115-40-4. Tax credits. (a) No costs of liability insurance specified in K.A.R. 115-40-3 shall be allowed for consideration for tax credits, unless the registered agritourism operator or the operator's authorized attorney or insurance agent provides the department of revenue with the following information and documents:

- (1) The name of the registered agritourism operator's liability insurance company;
- (2) the liability insurance policy number;
- (3) the name, complete address, and phone number of the liability insurance company's agent; and
- (4) a copy of the completed tax credit form provided to the registered agritourism operator under K.A.R. 115-40-3(b).

(b) If, during the first five years that an agritourism operator is registered under the act, the secretary believes for any reason that the registered agritourism operator has not complied, or is not complying, with these regulations and through such noncompliance could have jeopardized the operator's eligibility for tax benefits under the act, all relevant information shall be forwarded by the secretary to the secretary of revenue. (Authorized by and implementing K.S.A. 2012 Supp. 32-807, 32-1438, and 32-1438a; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-40-4. Tax credits.

DESCRIPTION: This new permanent regulation establishes provisions for qualifying for tax credits for the purposes of the agritourism regulations. The proposed regulation is a result of ERO 36 and transferring certain authorities from the Department of Commerce to the Department of Wildlife, Parks and Tourism. Simultaneously, the KDWPT is proposing to revoke the older regulations within the section of the regulations dealing with the Department of Commerce.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No appreciable negative economic impact is anticipated for the department, other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

115-40-5. New registration form. If a registered agritourism operator changes the agritourism activities at the registered agritourism operator's facility, that individual shall file a new registration form for the agritourism activity with the department in accordance with K.A.R. 115-40-2. (Authorized by K.S.A. 2012 Supp. 32-807; implementing K.S.A. 2012 Supp. 32-1433; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-40-5. New registration form.

DESCRIPTION: This new permanent regulation establishes requirements for filing new registration forms for the purposes of the agritourism regulations. The proposed regulation is a result of ERO 36 and transferring certain authorities from the Department of Commerce to the Department of Wildlife, Parks and Tourism. Simultaneously, the KDWPT is proposing to revoke the older regulations within the section of the regulations dealing with the Department of Commerce.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No appreciable negative economic impact is anticipated for the department, other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

115-40-6. Contracts. Each written contract or agreement with a participant shall contain the warning notice specified in K.S.A. 2012 Supp. 32-1434(b), and amendments thereto. This warning notice shall be printed in at least 10-point font. (Authorized by K.S.A. 2012 Supp. 32-807; implementing K.S.A. 2012 Supp. 32-1434; effective P-_____.)

ECONOMIC IMPACT STATEMENT

115-40-6. Contracts.

DESCRIPTION: This new permanent regulation establishes mandatory contractual provisions for the purposes of the agritourism regulations. The proposed regulation is a result of ERO 36 and transferring certain authorities from the Department of Commerce to the Department of Wildlife, Parks and Tourism. Simultaneously, the KDWPT is proposing to revoke the older regulations within the section of the regulations dealing with the Department of Commerce.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: No appreciable negative economic impact is anticipated for the department, other agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

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

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

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

electronically amplify visible or infrared light.

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

(1) Smooth-jawed foothold traps, except that all types of foothold traps may be used in water sets;

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

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

(1) Calls may be used in the taking of furbearers and coyotes.

(2) Handheld, battery-powered flashlights, hat lamps, and handheld lanterns may be used while trapping furbearers or coyotes or while running furbearers.

(3) Any .22 or .17 caliber rimfire rifle or handgun may be used to take trapped furbearers or trapped coyotes when using a light to check traps.

(4) Any .22 or .17 caliber rimfire rifle or handgun may be used while using a handheld, battery- powered flashlight, hat lamp, or handheld lantern to take furbearers treed with the aid of dogs.

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

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

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes, except during the regular firearms deer season as specified in K.A.R. 115-25-9.

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes, except during the regular firearms deer season as specified in K.A.R. 115-25-9.

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

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

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

(12) A person shall not have in possession any equipment specified in subsection (a) while pursuing or chasing furbearers with hounds during the running season.

(13) All trapping devices included in subsection (b) shall be tagged with either the user's name and address or the user's department-issued identification number and shall be tended and inspected at least once every calendar day.

(14) Each foothold trap that has an outside jawsread greater than seven inches shall be used only in a water set. (Authorized by K.S.A. 2012 Supp. 32-807; implementing K.S.A. 2012 Supp. 32-807, K.S.A. ~~2010~~ 2012 Supp. 32-1002, and K.S.A. ~~2010~~ 2012 Supp. 32-1003; effective March 19, 1990; amended Nov. 15, 1993; amended July 19, 2002; amended Feb. 18, 2005; amended Sept. 4, 2009; amended July 22, 2011; amended P-_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This administrative regulation establishes legal equipment, taking methods, and general provisions for the taking of furbearers and coyotes. The proposed amendments would clarify that all types of foothold traps could be used in water sets, restrict the use of radios and vehicles during the regular firearms deer season, and remove trademarked language from the regulation.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

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

As a result of internal Department and Commission meeting public comment on the proposed regulation, the Department suggests that the following options be made for consideration to the version of the regulation submitted for public comment.

No matter what happens with this regulation in terms of amendments, the rest of the regulation must move forward as there are other components within the regulation.

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

Option 1: Do not amend continues to be the Department's recommendation and therefore no language change is necessary.

Option 2: Relates to restricting vehicles and radios during the first five days only. Amend proposed subsection (c)(7) and (c)(8) as follows:

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes, except during the first five days of the regular firearms deer season, including opening day, as specified in K.A.R. 115-25-9.

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes, except during the first five days of the regular firearms deer season, including opening day, as specified in K.A.R. 115-25-9.

Option 3: Relates to closing coyote season entirely during the regular firearms season. This option will also require publication and amendment of at least one other regulation, K.A.R. 115-25-12, likely for an August vote, depending on scheduling. Amend proposed subsection (c)(7) and (c)(8) as follows:

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

coyotes, ~~except during the regular firearms deer season as specified in K.A.R. 115-25-9.~~

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes, ~~except during the regular firearms deer season as specified in K.A.R. 115-25-9.~~

Option 4: Relates to no change on the radio and vehicle issue. Amend proposed subsection

(c)(7) and (c)(8) as follows:

(7) The use of motor vehicles for taking coyotes shall be permitted while hunting coyotes, ~~except during the regular firearms deer season as specified in K.A.R. 115-25-9.~~

(8) The use of radios in land or water vehicles shall be permitted for the taking of coyotes, ~~except during the regular firearms deer season as specified in K.A.R. 115-25-9.~~

Option 5: The Department has no recommended language for Option 5, due to the complexity, expected ineffectiveness, and constitutional issues associated with the proposal, and does not recommend this option at all.

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

Background:

A recommendation was brought forward, stemming from the Law Enforcement Division, to prohibit the use of motor vehicles and two-way radios for taking coyotes during the regular firearms deer season. This recommendation was made due to increasing complaints, concerns and evidence that hunting coyotes from motor vehicles and with the use of two-way radios were being used as excuses to illegally hunt big game, particularly deer. Officers reported that they have observed individuals driving trucks and ATV's through pastures and fields in what appears to be an attempt to flush animals from cover or drive animals to other hunters. When contacted these individuals advise officers that they are hunting coyotes. Officers have noted that those making this claim are dressed in orange clothing and carrying hunting equipment that is more consistent with deer hunting than coyote hunting and are typically in possession of deer permits valid for the firearms season. Officers also note that these individuals are usually not seen in the field coyote hunting before or after the regular firearms deer season.

Discussion:

After lengthy discussions and considering possible options, the Department brought forward a proposal to change the part of this regulation that allows the use of motor vehicles and two-way radios for coyote hunting. The proposed change would prohibit their use only during the regular firearms deer hunting season. It is felt that this change would have the least impact on the broad spectrum of coyote hunting and trapping. There was considerable discussion of this recommendation during the workshop portion of the April 25, 2013 Commission meeting.

Coyote hunters who use sight hounds to take coyotes spoke in opposition to the proposal. After the lengthy discussion, the Commission asked for other options that may appropriately address the issue.

In developing the recommendation provided at the April Commission meeting, consideration was also given to repealing or amending the regulation that allows coyote hunting during the firearms deer seasons which is otherwise closed by state statute. This option was not chosen for recommendation as it was felt that it was more restrictive than necessary to address the problem of the use of motor vehicles and two-way radios.

State statute generally prohibits the use of motor vehicles and two-way radios in taking wildlife within the State. A provision within the statute does allow the Secretary to implement regulations that would allow the use if deemed appropriate. Regulations were adopted which allow their use only for the taking of coyotes.

In 1978 the Legislature passed a law that prohibits the taking of coyotes during the "open season for the hunting or taking of deer by firearm" unless the taking is authorized by rule and

regulations of the Secretary. The law was enforced without any allowance to hunt or trap coyotes during the firearm season until May 1, 1990 when a regulation allowing the trapping and hunting of coyotes during all firearms deer seasons, including special deer seasons, became effective.

Recommendations:

Upon further consideration of the issue and potential options the Department provides the following options and recommendations.

1. Prohibit the use of motor vehicles and two-way radios for the taking of coyotes during the regular firearms deer season. This is the original recommendation made to the Commission and is the preferred option.
2. Prohibit the use of motor vehicles and two-way radios for the taking of coyotes during the first five days of the regular firearms deer season. This option would limit the prohibition period, but would be in effect during what is typically the portion of the firearms deer season having the most hunter activity. This option also provides the opportunity to observe the level of vehicle and radio use between two segments of the season.
3. Take no action on prohibiting the use of motor vehicles or two-way radios during the regular deer hunting season as originally recommended, but instead amend or repeal K.A.R. 115-25-12 thereby prohibiting the taking of coyotes during the firearms season as established by statute.
4. Take no action on prohibiting the use of motor vehicles and two-way radios by making an amendment to strike this language from the proposed regulation changes. (There are other proposed amendments to K.A.R 115-5-1 that are recommended by the Department and do not affect the taking of coyotes.)
5. Adopt additional provisions that would exempt persons who are hunting coyotes and who are not in possession of certain types of firearms and orange clothing items (as required by big game hunting regulations), transporting or hunting with coyote hunting dogs, and wearing green vests or clothing. This option is not recommended or supported by the Department based on Constitutional and other legal issues, including the complexity of regulations.

115-5-2. Furbearers and coyotes; possession, disposal, and general provisions. (a) Legally taken raw furs, pelts, skins, carcasses, or meat of furbearers may be possessed without limit in time.

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

(c) Legally acquired skinned carcasses and meat of furbearers may be sold or given to and possessed by another, and legally acquired raw furs, pelts, and skins of furbearers may be given to and possessed by another, if a written notice that includes the seller's or donor's name, address, and furharvester license number accompanies the carcass, pelt, or meat. A bobcat, otter, or swift fox tag as described in subsection (f) shall meet the requirements of written notice.

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

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

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

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

(2) ~~The pelt and skinned carcass of any otter taken in Kansas shall be presented to the~~

~~department for tagging within four days following the harvest of the otter. The skinned carcass lower~~
~~canine teeth of the any otter presented to the department for tagging shall be permanently surrendered to~~
the department at the time of presentation.

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

(g) Properly licensed persons may legally salvage furbearers and coyotes found dead during the established open seasons for hunting or trapping of furbearers or coyotes. Salvaged furbearers and coyotes may be possessed or disposed of as authorized by this regulation. (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. 32-942; ~~implementing K.S.A. 32-807, K.S.A. 32-942, and K.S.A. 2010 Supp. 32-1002~~; effective March 19, 1990; amended Oct. 17, 1994; amended Nov. 29, 1999; amended July 19, 2002; amended Sept. 4, 2009; amended July 22, 2011; amended P-
_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This administrative regulation establishes general requirements for possession and disposal of furbearers and coyotes. The proposed amendments to the regulation would require tagging by the department of all bobcats, otters, and swift fox taken in Kansas, remove provisions related to tagging deadlines for otters and change requirements for biological data collection for otters.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-6-1. Fur dealer license; application, authority, possession of furs, records, and revocation. (a)

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

- (1) Name of applicant;
 - (2) residential address;
 - (3) the address of each business location;
 - (4) an inventory of raw furs, pelts, skins, and carcasses of furbearing animals and coyotes on hand at time of application; and
 - (5) any other relevant information as required by the secretary.
- (b) Each fur dealer license shall expire on June 30 following the date of issuance.
- (c) Each fur dealer shall deal only with properly licensed persons and only at authorized fur dealer business locations.
- (d) Any fur dealer may buy, purchase, or trade in the furs, pelts, skins, or carcasses of coyotes.
- (e) Any fur dealer may possess legally acquired furs, pelts, skins, or carcasses of furbearing animals for no more than 30 days after the expiration date of the fur dealer's license. Coyote furs, pelts, skins, or carcasses may be possessed without limit in time.
- (f) Each fur dealer shall purchase or acquire only those bobcat, otter, and swift fox pelts that have been tagged with a department export tag or with the official export tag provided by the wildlife agency of another state.

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

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

(A) The name of the fur dealer;

(B) residential address;

(C) fur dealer license number;

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

(E) name, address, and license number of each person from whom furs, pelts, skins, or carcasses were acquired;

(F) name of the state where the furs, pelts, skins, or carcasses were harvested;

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

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

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

(A) The name of the fur dealer;

- (B) residential address;
- (C) fur dealer license number;
- (D) date of each receipt or disposal of furs, pelts, skins, or carcasses;
- (E) name, address, and fur dealer license number of each fur dealer from which furs, pelts, skins, or carcasses are acquired or to which they are sold;
- (F) number and species of furs, pelts, skins, or carcasses acquired or sold; and
- (G) any other relevant information as required by the secretary.
- (h) In addition to other penalties prescribed by law, a fur dealer's license may be refused issuance or revoked by the secretary under any of the following circumstances:
 - (1) The application is incomplete or contains false information.
 - (2) The fur dealer fails to meet reporting requirements.
 - (3) The fur dealer violates license conditions.
 - (4) The fur dealer has violated department laws or regulations or has had any other department license or permit revoked or suspended. (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. 32-942; implementing K.S.A. 32-807 and K.S.A. 32-942; effective March 19, 1990; amended Sept. 4, 2009; amended P-_____.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This administrative regulation establishes the fur dealer license, application, authority, possession of furs, records and revocation. The proposed amendments would add otters to the list of furbearers that must be tagged when purchased by fur dealers and add provisions related to revocation of licenses.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-16-5. Wildlife control permit; operational requirements. (a) Each person holding a valid wildlife control permit issued according to K.A.R. 115-16-6, and each person assisting the permittee while under the constant and direct supervision and in the constant presence of the permittee, shall be authorized to take, transport, release, and euthanize wildlife subject to the restrictions described in this regulation and on the permit.

(b) Wildlife may be taken under the authorization of a wildlife control permit only when one or more of the following circumstances exist:

- (1) The wildlife is found in or near buildings.
- (2) The wildlife is destroying or about to destroy property.
- (3) The wildlife is creating a public health or safety hazard or other nuisance.

(c) Subject to the restrictions described in this regulation and on the permit, a wildlife control permit shall allow the taking of the following species, ~~notwithstanding~~ despite any other season, open unit, or limit restrictions that may be established by the department:

- (1) Furbearers;
- (2) small game;
- (3) reptiles;
- (4) amphibians;
- (5) coyotes;
- (6) nongame mammals, except house mice and Norway rats;
- (7) pigeons, English sparrows, and starlings; and
- (8) migratory birds and waterfowl, subject to K.S.A. 32-1008, and amendments thereto.

(d) Subject to applicable federal, state, and local laws and regulations, the wildlife listed in subsection (c) may be taken with the following equipment or methods:

(1) Trapping equipment, if each trapping device is equipped with a metal tag with the permittee's name and address or the permittee's department-issued identification number and is checked at least once each calendar day, and if snares are not attached to a drag. Trapping equipment shall consist of the following:

(A) Foothold traps;

(B) body-gripping traps;

(C) box traps;

(D) live traps; and

(E) snares;

(2) firearms and accessory equipment, as follows:

(A) Optical scopes or sights; and

(B) sound-suppression devices;

(3) BB guns and pellet guns;

(4) archery equipment;

(5) dogs;

(6) falconry;

(7) toxicants registered by the Kansas department of agriculture, except that such use may be subject to K.A.R. 115-16-1, K.A.R. 115-16-2, or K.A.R. 115-16-3;

(8) habitat modification;

(9) net or seine;

(10) glue board;

(11) hand;

(12) any other methods to exclude or frighten wildlife, including repellents; and

(13) any other method as specified on the permit.

(e) No person shall possess a live species of wildlife taken under the authority of a wildlife control permit beyond the close of the calendar day following capture, unless specifically authorized by the department. Live wildlife shall not be used for display purposes, programs, training dogs, or otherwise kept in captivity, except that pigeons may be used for training dogs.

(f) Subject to applicable federal, state, and local laws and regulations, wildlife taken pursuant to a wildlife control permit shall be disposed of using one or more of the following methods:

(1) Wildlife taken alive may be controlled using lethal methods or equipment including the methods or equipment listed in paragraphs (d)(2), (d)(3), (d)(4), and (d)(7).

(2) Wildlife taken alive may be relocated and released, subject to the following requirements:

(A) Wildlife may be released only in suitable habitat located at least 10 miles from the original capture site and only with the prior written permission of the person in legal possession of the release site.

(B) Wildlife shall not be released in a location so close to human dwellings that the release is likely to result in recurrence of the reason the wildlife was taken.

(C) Wildlife shall not be released within the limits of any municipality without prior written permission from the appropriate municipal authority.

(D) Wildlife may be released on department lands or waters only with the prior written approval of the department.

(E) Wildlife shall not be released if injured or if displaying common symptoms of

disease, including any of the following:

- (i) Lack of coordination;
- (ii) unusual lack of aggressiveness;
- (iii) unusual secretions from the eyes, nose, or mouth;
- (iv) rapid or uneven respiration;
- (v) malnourishment;
- (vi) loss of muscle control; or
- (vii) loss of large patches of hair.

(F) Wildlife shall not be transported from the state except as authorized by the department.

(3) Wildlife species listed in K.A.R. 115-15-1 or K.A.R. 115-15-2, or other wildlife species designated by the department, shall be released according to paragraph (f)(2) if unharmed. If harmed or injured, these species shall be submitted to either the department or a person holding a valid wildlife rehabilitation permit issued according to K.A.R. 115-18-1.

(4) Wildlife controlled by poison shall be removed immediately, and all dead wildlife shall be disposed of using one of the following methods:

(A) The wildlife may be submitted to a licensed landfill, renderer, or incinerator.

(B) The wildlife may be disposed of on private property with the prior written permission of the person in legal possession of the property, except that the wildlife shall not be disposed of within the limits of any municipality without prior written permission from the appropriate municipal authority.

(C) Any part of the wildlife, excluding the flesh, may be sold, given, purchased, possessed, and used for any purpose, with the following restrictions and exceptions:

(i) The raw fur, pelt, or skin of furbearers may be sold only to a licensed fur dealer.

(ii) The carcass and meat of a furbearer may be sold, given, purchased, possessed, and used for any purpose.

(iii) No part of any migratory bird or waterfowl shall be sold, given, purchased, possessed, or used for any purpose.

(iv) Each person purchasing unprocessed parts of the wildlife shall maintain a bill of sale for at least one calendar year.

(D) Dead wildlife controlled by poison or showing symptoms of disease shall be either buried below ground or disposed of as authorized by paragraph (f)(4)(A).

(g) Each bobcat, otter, or swift fox taken under authority of a wildlife control permit shall be subject to the tagging requirements established by K.A.R. 115-5-2. (Authorized by and implementing K.S.A. 2012 Supp. 32-807; ~~implementing K.S.A. 32-807, K.S.A. 32-911, K.S.A. 2009 Supp. 32-919, K.S.A. 2009 Supp. 32-1002, and K.S.A. 2009 Supp. 32-1003~~; effective July 19, 2002; amended Nov. 27, 2006; amended April 8, 2011; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-16-5. Wildlife control permit; operational requirements.

DESCRIPTION: This permanent regulation establishes requirements for wildlife control permits, and what actions are authorized through a wildlife control permit. These permits authorize the persons or businesses to take nuisance animals outside normal harvest seasons. The proposed amendments would allow the use of an individual's KDWPT number for marking trapping equipment and require nuisance otters to be tagged after take.

FEDERAL MANDATE: None, except that federal law does not allow state authorization to take certain animals without additional federal permits.

ECONOMIC IMPACT: No economic impact to the department, other agencies, small businesses or the general public is anticipated.

ALTERNATIVES CONSIDERED: None.

115-25-11. Furbearers; open seasons and bag limits. (a) All hunting, trapping, and running seasons shall begin at 12:00 noon on the opening day and close at 12:00 midnight on the closing day.

(b) The open season for the taking of badger, bobcat, gray fox, red fox, swift fox, mink, muskrat, opossum, raccoon, striped skunk, and weasel by hunting and trapping shall be from the first Wednesday after the second Saturday in November through February 15 of the following year. The bag limit for these species shall be unlimited.

(c) The open season for the taking of beaver by trapping shall be from the first Wednesday after the second Saturday in November through March 31 of the following year. The bag limit shall be unlimited. Muskrat that are incidentally taken after the close of the open season for muskrat but during the open season for beaver by trapping may be possessed. The bag limit for incidentally taken muskrat shall be 10 animals.

(d) The open season for the taking of otter by trapping shall be from the first Wednesday after the second Saturday in November and through March 31 of the following year. The season bag limit shall be two otters per trapper.

(e) The open season for the running of bobcat, gray fox, red fox, opossum, and raccoon shall be from March 1 through November 8. (Authorized by and implementing K.S.A. 2012 Supp. 32-807.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-11. Furbearers; open seasons and bag limits.

DESCRIPTION: This exempt regulation establishes open seasons and bag limits for the various species of furbearers. This version of the regulation differs from previous versions in that it allows for incidental take of muskrats during the beaver trapping season when other seasons are closed and removes a statewide quota on otter harvest.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms.

(a) Subject to provisions and restrictions as established by posted notice or as specified in the document adopted by reference in subsection (e), the following activities shall be allowed on department lands and waters:

(1) Hunting during open seasons for hunting on lands and waters designated for public hunting;

(2) furharvesting during open seasons for furharvesting on lands and waters designated for public hunting and other lands and waters as designated by the department;

(3) target practice in areas designated as open for target practice; and

(4) noncommercial training of hunting dogs.

(b) Other than as part of an activity under subsection (a), the discharge of firearms and other sport hunting equipment capable of launching projectiles shall be allowed on department lands and waters only as specifically authorized in writing by the department.

(c) The discharge of fully automatic rifles or fully automatic handguns on department lands and waters shall be prohibited.

(d) Department lands and waters shall be open neither for commercial rabbit and hare furharvesting nor for commercial harvest of amphibians and reptiles.

(e) The department's "KDWPT fisheries and wildlife division public land special use restrictions," dated ~~July 31, 2012~~ March 25, 2013, is hereby adopted by reference.

~~This regulation shall be effective on and after January 1, 2013.~~ (Authorized by and implementing K.S.A. 2012 Supp. 32-807, ~~as amended by L. 2012, Ch. 47, Sec. 25~~; effective Dec. 4, 1989; amended July 13, 2001; amended May 16, 2008; amended May 15, 2009; amended July 23, 2010; amended Nov. 14, 2011; amended Jan. 1, 2013; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-1. Department lands and waters; hunting, furharvesting, and discharge of firearms.

DESCRIPTION: This permanent regulation establishes certain requirements for and restrictions on certain activities on department lands and waters, including hunting, furharvesting, and other discharge of firearms. Over a period of many years, posted notice has been used to restrict access to certain properties and enhance recreational opportunities. Many of those posted notice restrictions have become long-term policies and to better inform the public as well as enforce the posted notices, the department has consolidated many of those notices into a reference document for adoption by reference. This is an update to that reference document, particularly related to the use of lead shot on specially marked dove fields during the dove season.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

Kansas Department of Wildlife, Parks and Tourism

KDWPT Fisheries and Wildlife Division Public Land Special Use Restrictions

Dated: March 25, 2013

Access Restrictions

The following properties have access restrictions (curfews) during specific times during a 24 hour period.

Region 1

Saline SFL-open to vehicle traffic sunrise to sunset daily from 3/1 to 9/30

Region 2

Benedictine WA-use of parking lot ½ hour after sunset to ½ hour before sunrise restricted to individuals authorized by permit

Pillsbury Crossing WA-open 6 a.m. through 10 p.m.

Region 3

Hain WA & SFL-no vehicle access during waterfowl seasons

Greeley WA-Closed to all activities February 1 through August 31

Sandsage Bison Range & WA-any pasture where Bison are present

Pratt Backwater Channel-open 6 a.m. through 10 p.m.

Region 4

Maxwell Wildlife Refuge-access restricted to main road, area closed to all activities, except during special events

Region 5

Grand Osage WA-Access by special permit

Age Restrictions

Portions of the following properties restrict hunting to specific age groups

Region 1

Cedar Bluff WA – North Dam area, youth/mentor area-all species, all seasons, archery & shotgun equipment only

Cedar Bluff WA – Threshing Machine Canyon (west) area, youth/mentor area-all species, all seasons

Jamestown WA-Ringneck & Puddler Marshes, mentor area-all species, all seasons

Glen Elder WA-Granite Creek area, youth/mentor area-all species, October 1-January 31

Region 2

Hillsdale WA-Big Bull wetland area, mentor area-all species, all seasons

Kansas River WA-Fitzgerald Tract, youth/mentor-all species, all season by special permit

Milford WA-West Broughton area, youth/mentor area hunting-all species, all seasons Perry WA-designated area, youth/mentor hunting-all species, all seasons

Region 3

Cheyenne Bottoms WA-Mitigation Marsh, youth/mentor-all species, all seasons

Region 5

Melvern WA-designated area, youth/mentor hunting/fishing-all species, all seasons

Neosho WA-Pool 8, mentor waterfowl hunters on weekends and holidays, all other days open to general public

Neosho SFL kids pond-youth/mentor

No alcohol

Region 1

Rooks SFL & WA

Region 2

Atchison SFL

Benedictine WA

Burr Oak WA

Dalbey WA

Douglas SFL & WA

Elwood WA

Jeffery Energy Center WA Area 2

Kansas River WA – K18 River Access

Leavenworth SFL

Middle Creek Lake Area

Miami SFL

Pillsbury Crossing WA

Pottawatomie SFL's 1 & 2

Rising Sun River Access

Shawnee SFL & WA

Osawatomie Dam and Parking Area

Region 3

Pratt Backwater Channels

Region 4

Black Kettle SFL

Butler SFL

Byron Walker Wildlife Area Archery Range

Cheney Reservoir at shooting range

Cowley SFL

Chase SFL & WA

Kingman SFL

Maxwell Wildlife Area at shooting range
McPherson SFL

Region 5

LaCygne Lake & WA
Lyon SFL & WA
Montgomery SFL & WA
Mined Land WA-Unit 1 only
Shoal Creek WA

All Non-Toxic Shot

Region 1

Jamestown WA
Talmo Marsh WA

Region 2

Benedictine WA
Burr Oak WA
Dalbey WA
Elwood WA

Region 3

Cheyenne Bottoms WA
Isabel WA
Playa Lakes (Heron, Stein, Wild Turkey)
Texas Lake WA

Region 4

McPherson Wetlands
Slate Creek Wetlands

Region 5

John Redmond Reservoir-Otter Creek WA
Marais des Cygnes WA
Neosho WA

Non Toxic Shot – designated dove fields

Region 1

Jamestown WA
Glen Elder WA
Ottawa SFL
Smoky Hill WA
Wilson WA

Region 2

Kansas River WA
Tuttle Creek WA
Clinton WA
Perry WA
Milford WA
Noe WA
Hillsdale WA

Region 4

Cheney WA
El Dorado WA
Marion WA

Region 5

Dove Flats WA
Elk City WA
Fall River WA
La Cygne WA
Mined Land WA
Spring River WA
Toronto WA
Woodson WA

Boating Restrictions

No Motorized Boats

Region 1

Jamestown WA- Pintail and Buffalo Creek Marshes

Region 2

Milford WA-no motorized boats are allowed in any wetland areas except Mall
Creek/Peterson Bottoms

Perry WA-no motorized boats are allowed in any wetland areas except East and West pools
of the Kyle marsh

Region 3

Cheyenne Bottoms WA-motorized watercraft permitted only during the waterfowl
season. From 4/15 thorough 8/15, no boats permitted from 10 a.m. through 5 p.m. No
out of water propeller driven watercraft permitted at any time.

Region 5

Elk City WA-Widgeon, Simmons, House Mound Marshes
Marais des Cygnes WA-no motorized boats except in Unit A (boat lane only) and Unit G

No Gasoline Engine Powered Boats

Jamestown WA-Marsh Creek Marsh

No Wake

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

Region 1

Jewell SFL
Ottawa SFL
Rooks SFL
Saline SFL
Sheridan SFL

Region 2

Pottawatomie SFL #1
Pottawatomie SFL #2

Region 3

Meade SFL
Scott SFL-in designated area

Region 4

Black Kettle SFL
Butler SFL
Cowley SFL
Kingman SFL
McPherson SFL

Region 5

Marais des Cygnes WA
Wilson SFL
Woodson SFL

Closed to All Hunting

Properties could be included in the STWD special hunts program.

Region 1

Saline SFL

Region 2

Green WA-(8 mi. West of Topeka)
Pillsbury Crossing WA
Pottawatomie SFL # 2
Rocky Ford Fishing Area

Region 3

Big Basin Prairie Preserve
Ford SFL
Kiowa SFL
Pratt Backwater

Region 4

Maxwell Wildlife Refuge

Region 5

Montgomery SFL
Neosho SFL

Equipment Restrictions (Hunting)

Archery Only

Region 4

McPherson SFL-deer and turkey only

Region 5

Mined Land WA Unit 1, Unit 21, Unit 23, a portion of Unit 22 and Unit 47

No Center fire Rifles

Region 2

Douglas SFL
Kansas River WA-Urish, Macvicar & K-18 tracts
Leavenworth SFL
Shawnee SFL

Region 5

La Cygne WA

Shotgun & Archery Only

Region 1

Cedar Bluff WA – North Dam Youth/Mentor area
Lovewell WA-designated area below the dam
Ottawa SFL
Sheridan SFL

Region 2

Douglas SFL-deer hunting
Kansas River WA-no firearms deer hunting, Urish, Macvicar & K-18 tracts
Leavenworth SFL-deer hunting
Shawnee SFL-deer hunting

Region 3

Sandsage Bison Range & WA-north pasture units only

Region 5

Berentz/Dick WA

Osage SFL

Shoal Creek WA

Wilson SFL

Shotgun, Archery & Muzzleloader Only

Region 2

Elwood WA

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

Middle Creek Lake Area

Rutlader WA

Region 5

Otter Creek WA at John Redmond Reservoir

Disabled Accessible Hunting

The following properties have specific areas designated for disabled access hunting. Specific locations are posted at the wildlife area and can be found on the area brochures and web sites. Special permit is required and available from the Area Manager.

Region 1

Glen Elder WA

Lovewell WA

Norton WA

Webster WA

Wilson WA

Region 2

Clinton WA

Milford WA

Perry WA

Tuttle Creek WA

Region 3

Cheyenne Bottoms WA-disabled hunting blind restricted to disabled only use. Assistants allowed to hunt if they accompany disabled hunter.

No Shooting from Dikes or Levees

Region 3

Cheyenne Bottoms WA

Region 5

Marais des Cygnes WA

Neosho WA-no shooting from designated dikes & levees

No Swimming

Waters in addition to the state fishing lakes that are closed to swimming

Region 2

Pillsbury Crossing WA

Region 3

Big Basin Prairie Preserve

Pratt Backwater

Sandsage Bison Range & WA Sandpit

Region 4

El Dorado WA-jumping bridge located at the Junction of the Walnut River and NE
Chelsea Road

Region 5

Mined Land WA

Melvern WA-Quarry Pond

Refuges

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

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

Region 1

Rooks SFL

Sheridan SFL

Ottawa SFL

Region 4

Kingman WA-waterfowl refuge

Refuge Area Closed to Hunting, Open to all other legal activities 11/1 to 1/31

Region 1

Cedar Bluff WA – Cove 1, designated water area

Lovewell WA – designated water area

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

Region 4

Cheney WA
Marion WA

Refuge Area Closed to Hunting Year Round Closed to all activities 9/1 – 3/31

Region 5

Elk City WA
Neosho WA

Refuge Area Closed to All Activities Year Round

Region 1

Cedar Bluff WA

Region 2

Benedictine WA
Jeffery Energy Center-Area #3
Milford WA-Steve Lloyd refuge area

Region 3

Cheyenne Bottoms WA-Pool 1

Region 4

McPherson Wetlands - South Refuge

Region 5

Fall River WA
Marais des Cygnes WA
Mined Land WA Bison Pen located on Unit 1

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

Region 2

Clinton WA
Perry WA
Hillsdale WA

Region 5

Melvern WA

Refuge Area Closed to All Activities 9/1 to 1/31

Region 1

Cedar Bluff WA – west refuge

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

Region 1

Lovewell WA
Jamestown WA
Brzon WA

Smoky Hill WA
Ottawa SFL

Refuge Area Closed to All Activities 10/1 – 3/31

Region 4

McPherson Valley Wetlands WA

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

Region 1

Norton WA
Webster WA
Wilson WA
Cedar Bluff WA – Church Camp Cove
Glen Elder WA

Seasonal Closures

Access by Permit 10/1 through 3/31

Region 2

Benedictine WA

Open to Hunting Thursday, Saturday and Sunday 9/10 through 3/31

Region 2

Brown SFL

Open to Shotgun Hunting 12/1 through 1/31

Region 2

Shawnee SFL

Open to Hunting Tuesday, Thursday and Saturday

Region 5

Berentz/Dick WA

Open to Upland Bird Hunting Tuesday, Thursday and Sunday

Region 2

Burr Oak WA
Dalbey WA
Elwood WA

Closed to fishing 9/15 through 4/15

Region 5

Marais des Cygnes WA (marshes only)

Shooting Area (Ranges)

The following properties have designated firearm or archery ranges. Shooting hours are posted at the facility and available on area brochures and web sites.

Region 1

Glen Elder WA

Region 2

Shawnee SFL (firearms & archery)

Region 4

Cheney Res. & WA (firearms)

Byron Walker WA (archery)

Maxwell Wildlife Refuge (firearms)

Region 5

Hollister WA (firearms)

Special Permits (Daily/ Use* Hunt Permits) Daily hunt permits are available on the property at select parking lots and informational kiosks. Designated (*) properties require a permit for all activities.

Region 1

Glen Elder WA-Granite Creek Area during youth/mentor seasons

Jamestown WA

Lovewell WA

Region 2

Clinton WA- waterfowl only

Elwood WA

Jeffery Energy Center WA Area # 2

Kansas River WA

Milford WA-waterfowl only

Region 3

Cheyenne Bottoms WA-In addition to daily hunt permit, trapping permit is required from the manager to trap

Isabel WA

Texas Lake WA

Region 4

McPherson Wetlands

Slate Creek Wetland

Region 5

Berentz/Dick WA*

Marais des Cygnes WA-waterfowl only

Neosho WA-waterfowl only

115-8-2. Blinds, ~~tree~~ stands, and decoys. Subject to provisions and restrictions as established by posted notice, blinds, ~~tree~~ stands, and decoys shall be allowed on department lands and waters as follows: (a) Floating blinds and portable ~~tree~~ stands used for hunting may be placed not more than 14 days before the hunting season for which the blind or stand will be used and shall be removed from department property within 14 days after the hunting season for which the blind or stand was placed has ended.

(b) Floating blinds and portable ~~tree~~ stands used for purposes other than hunting may be placed for a period not to exceed 14 days and shall be removed from department property at the conclusion of 14 days or after the intended use of the blind or stand has ended, whichever time period is less.

(c) Ladders, screw-in metal steps, and steps attached by ropes, cables, or chains may be used for access to portable ~~tree~~ stands and shall be removed when the portable ~~tree~~ stand is removed as required by subsection (a) or (b).

(d) Natural blinds may be used for any authorized activity and shall be constructed of natural herbaceous materials or woody debris, or both, that are present at the site of the natural blind.

(e) Any individual may use a placed portable blind, floating blind, portable ~~tree~~ stand, or natural blind when the blind or stand is not occupied.

(f) Any blind, stand, or climbing device not in conformance with regulations or posted notice provisions or restrictions may be removed or destroyed by the department.

(g) Each portable blind, floating blind, and portable ~~tree~~ stand shall be marked with either the user's name and address or the user's department-issued identification number in a visible, legible, and weatherproof manner.

(h) No individual shall place more than two portable blinds or ~~tree~~ stands on any single department-owned or department-managed property.

(i) Portable blinds shall not be left unattended overnight.

(j) Decoys shall not be left unattended overnight. (Authorized by and implementing K.S.A 2012 Supp. 32-807; effective April 30, 1990; amended July 20, 2012; amended P-
_____.)

ECONOMIC IMPACT STATEMENT

115-8-2. Blinds, tree stands, and decoys.

DESCRIPTION: This permanent regulation establishes certain requirements for blinds, tree stands, and decoys on public lands. The proposed amendments would remove references to tree stands as the word stand is more all encompassing.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-8-23. Bait; hunting. (a) No person shall place, deposit, expose, or scatter bait while hunting or preparing to hunt on department lands or place, deposit, expose, or scatter bait in a manner that causes another person to be in violation of this regulation.

(b) Hunting shall be prohibited within 100 yards of any bait placed, deposited, exposed, or scattered on department lands. Bait shall be considered placed, deposited, exposed, or scattered on department lands for 10 days following complete removal of the bait.

(c) (1) Nothing in this regulation shall prohibit the hunting or taking of wildlife over any of the following:

(A) Standing crops, ~~grain found~~ or flooded standing crops, including aquatic crops;

(B) standing, flooded, or manipulated natural vegetation;

(C) flooded harvested croplands;

(D) lands or areas where seeds or grains have been scattered solely as the result of normal agricultural planting, harvesting, postharvest manipulation, or soil stabilization practice;

or

(E) standing or flooded standing agricultural crops over which grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed wildlife.

(2) The taking of wildlife, except migratory waterfowl, coots, and cranes, on or over any lands or areas meeting the following conditions shall not be prohibited:

(A) Are not otherwise baited; and

(B) have grain or other feed that has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, scattered solely as the result of normal agricultural operations, or ~~grain found~~ scattered solely as the result of normal

weather conditions.

(d) For the purposes of this regulation, “bait” shall mean any grain, fruit, vegetable, nut, hay, salt, sorghum, feed, other food, or mineral that is capable of attracting wildlife. Liquid scents and sprays shall not be considered bait. (Authorized by and implementing K.S.A. 2012 Supp. 32-807; effective July 20, 2012; amended P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-23. Bait; hunting.

DESCRIPTION: This permanent regulation establishes restrictions on the use of bait while hunting on department lands. The proposed amendments would better define baiting, particularly allowing manipulation of crops on KDWPT property for dove hunting.

FEDERAL MANDATE: None.

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

ALTERNATIVES CONSIDERED: None.

115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley; crossbow survey number.

(a) In addition to the archery seasons specified in K.A.R. 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall also be September 1, 2013 through September 15, 2013 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(b) In addition to the season for designated persons specified in K.A.R. 115-25-9, in the Fort Riley subunit the season for designated persons shall also be October 11, 2013 through October 14, 2013.

(c) In the Fort Riley subunit, the open firearm season for the taking of deer shall be November 29, 2013 through December 1, 2013 and December 14, 2013 through December 22, 2013.

(d) In addition to the archery season specified in K.A.R. 115-25-9, the open archery season for the taking of deer in the Fort Riley subunit shall be January 13, 2014 through January 31, 2014 by individuals who possess the required authorization issued by Fort Riley to hunt for deer during the specified days.

(e) In the Fort Riley subunit, the special extended firearms season and the pre-rut white-tailed deer antlerless-only season specified in K.A.R. 115-25-9 shall be closed.

(g) Each person hunting big game or wild turkeys with a crossbow shall obtain a free 2013 crossbow hunter survey number from the department before hunting big game or wild turkeys with a crossbow.

(h) This regulation shall be effective on and after July 1, 2013, and shall have no force and effect on and after March 1, 2014. (Authorized by and implementing K.S.A. 2012 Supp. 32-807 and K.S.A. 2012 Supp. 32-937.)

ECONOMIC IMPACT STATEMENT

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

DESCRIPTION: This exempt regulation establishes additional considerations for the 2013-2014 firearm, muzzleloader and archery deer seasons. The main items in the regulation set the deer seasons on Fort Riley only in order to better accommodate the changing training mission at Fort Riley. The regulation would also require all persons hunting for big game and wild turkeys with a crossbow to obtain a free crossbow permit prior to hunting in order to obtain survey data for harvest.

FEDERAL MANDATES: None

ECONOMIC IMPACT: No significant economic impact to the department, state agencies, small businesses or the public is anticipated.

ALTERNATIVES CONSIDERED: None.

2013-2014 EARLY MIGRATORY GAME BIRD SEASONS

September Teal Season

June 27, 2013

Background

The U.S. Fish and Wildlife Service (USFWS) annually develops the frameworks for states to establish migratory game bird hunting seasons. The USFWS frameworks establish maximum bag, possession limits and season lengths, as well as earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. September Teal Season Frameworks are published in late-June after results from the May Breeding Duck Survey and recommendations from Flyway Councils are completed.

Blue-winged teal are one of the earliest migrating waterfowl, with most passing through Kansas from late August through September, prior to the opening of the general duck season. Green-winged teal are also early migrants, and many arrive in September and October, but they are commonly found in Kansas throughout the winter, depending on weather conditions. Cinnamon teal are occasionally found mixed with flocks of blue-winged teal in Kansas.

Special teal seasons were initiated to provide additional harvest opportunities on blue-winged and green-winged teal. As long as the blue-winged teal May Breeding Population Index (BPI) is above 3.3 million, a 9-day teal season can be held. If the blue-winged teal BPI exceeds 4.7 million, a 16-day season can be allowed. The 2013 blue-winged teal breeding population total will not be known until late June, but based on last year's (2012) blue-winged teal breeding population of 9.2 million and spring habitat conditions in the Prairie Pothole Region, the 2013 BPI is expected to allow a 16-day season.

In the High Plains Unit of Kansas (west of Highway 283), the liberal package framework allows for 97 days of general duck season. Coupled with 2 youth hunting days, the addition of a 9 or 16 day teal season would exceed the Migratory Bird Treaty Act's maximum allowance of 107 annual hunting days for any one migratory species. Thus, when the liberal package for the regular duck season is available and a teal season can be held, it is necessary to reduce the High Plains Unit teal season to 8 days, or reduce days in the High Plains Unit general duck season as not to exceed 107 hunting days. For the past 3 seasons, a 9 day teal season with 96 day regular duck season has been selected in the High Plains Unit to satisfy this criterion.

Prior Season (2012) Federal Framework*

Season Dates:	Between September 1 and September 30, 2012
Season Length:	16 days if blue-winged teal BPI is above 4.7 million 9 days if blue-winged teal BPI is between 3.3 - 4.7 million
Bag Limit:	4 daily, 8 in possession (any combination of teal)
Shooting Hours:	One-half hour before sunrise to sunset

* Final Federal Frameworks will not be set until the June 20, 2013 USFWS Service Regulatory Committee Meeting.

Staff Recommendations

Season Dates:

Low Plains Zones (east of Hwy 283)

16-day season running September 7 through September 22, 2013

High Plains Zone (west of Hwy 283) **

9-day season running September 14 through September 22, 2013

Bag Limit: 4 daily, 8 in possession (any combination of teal)

Shooting Hours: One-half hour before sunrise to sunset

** This selection may reduce the season length of the general duck season in the High Plains Unit by one day due to the Migratory Bird Treaty Act season length restrictions for any one species to 107 days. The regular High Plains Unit duck season in the liberal AHM package is allotted 97 plus 2 youth hunting days. In order to stay within the 107 day restriction either the September teal season or general duck season must be reduced one day from their allowable Federal frameworks.

Table 1. Kansas September Teal Season Dates and Harvest*

Year	Low Plains Season Dates	Hunting Days	High Plains Season Dates	Hunting Days	Green- winged Teal	Blue- winged Teal	Total Harvest
2012	Sept 8-23	16	Sept 15-23	9	N/A**	N/A**	N/A**
2011	Sept 10-25	16	Sept 17-25	9	1,748	22,562	24,310
2010	Sept 11-26	16	Sept 18-26	9	1,812	16,829	18,641
2009	Sept 12-27	16	Sept 19-26	8	2,775	15,165	17,940
2008	Sept 13-28	16	Sept 13-20	8	7,200	15,120	22,320
2007	Sept 8-23	16	Sept 15-22	8	4,534	25,582	30,116
2006	Sept 9-24	16	Sept 16-23	8	4,733	23,664	28,397
2005	Sept 17-25	9	Sept 17-24	8	2,200	10,387	12,587
2004	Sept 18-26	9	Sept 18-25	8	2,901	19,173	22,074
2003	Sept 13-28	16	Sept 20-27	8	9,024	21,393	30,417
2002	Sept 14-22	9	Sept 21-28	8	3,783	8,723	12,506
2001	Sept 15-30	16	Sept 15-22	8	1,790	10,741	12,531
2000	Sept 9-24	16	Sept 9-16	8	4,621	27,724	32,345
1999	Sept 11-26	16	Sept 11-19	9	3,052	28,022	31,074
1998	Sept 12-27	16	Sept 12-20	9	8,454	19,727	28,181
1997	Sept 13-21	9	Sept 13-21	9	2,367	14,858	17,225
1996	Sept 14-22	9	Sept 14-22	9	1,415	17,115	18,530
1995	Sept 16-24	9	Sept 16-24	9	1,896	10,227	12,123
1994	Sept 10-18	9	Sept 10-18	9	2,217	7,083	9,300
1993	Sept 11-19	9	Sept 11-19	9	1,081	5,604	6,685
1992	Sept 12-20	9	Sept 12-20	9	4,267	12,902	17,169

* Harvest estimates from 1999 to current are based on Harvest Information Program (HIP). For years prior to 1999, harvest estimates are based on USFWS Mail Survey Questionnaire.

** Harvest Data is not available until late July.