

**Kansas Department of Wildlife, Parks and Tourism  
Commission Meeting Minutes  
Thursday, January 5, 2017  
Flint Hills Technical College  
3301 W 18<sup>th</sup> Ave, Emporia, Kansas**

**Approved** Subject to  
**3/23/17** Commission  
Approval

The January 5, 2017 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:00 p.m. at the Flint Hills Technical College, Emporia. Chairman Lauber and Commissioners Ward Cassidy, Emerick Cross, Tom Dill, Gary Hayzlett, Aaron Rider and Harrison Williams 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 – Ryan Stucky will present Public Lands update, workshop item No. 2 in place of Stuart Schrag. Also, added workshop item No. 5, Threatened and Endangered Species Regulations, Chris Tymeson will present that. (Agenda – Exhibit B)

**IV. APPROVAL OF THE October 20, 2016 MEETING MINUTES**

Commissioner Gary Hayzlett moved to approve the minutes as corrected, Commissioner Tom Dill second. *Approved.* (Minutes – Exhibit C).

**V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

Dean Hollenbeck, President Flint Hills Technical College – Thank you for opportunity It's a pleasure to have groups like this come to our college. We have several programs here unique to Kansas, We offer 19 programs with 95 percent placement rate, from 1,000 to 1,300 students at any given time. We're working on this room and expect completion in about two weeks, expecting new carpet and refinishing doors. New chairs and tables came in yesterday. From Big Game Country in Colorado, have pictures of 4,000 to 5,000 elk standing outside my house. Big migration patterns in Steamboat/Craig area coming out of mountains; native there by way of Oklahoma and then came here; have good friends who are outfitters. You are welcome here and any time you need this facility we just need to get you on the schedule.

Susan Rathke, Director Emporia Visitor and Convention Bureau – Glad you are here. Nice to see you here, hope you will come back to Emporia. Might know us as gravel grinding capital of the world, trademarked that phrase. Received awards in 2016, received best Main Street in U.S. awarded by USA Today. Brought pens and put them back on the table, also great brochure (Exhibit D). Thanks for being here.

Terry Porter, Kansas Federation of Houndsmen – Sent copy of proposal (read – Exhibit E); add special raccoon hunting season, September 1 to October 31, brought to us by largest fur dealer in Kansas. With over-population, dealing with potential nuisance animal. Chairman Lauber – My recommendation would be to consider it, no shortage of raccoons and like chance to run dogs. Commissioner Cassidy – Is this a statewide thing, why are pelts so bad? Porter – Not sure if overpopulation, male coons start rubbing earlier; even at prime hides are not worth anything. Commissioner Cassidy – Not anything else going on? Porter – Not quality of hides, but the demand unless maybe a large coon. I myself haven't sold one for two years. Mating earlier and rubbing and ruining hides. Commissioner Cassidy – Not sure if some disease or something? Porter – Seeing some disease in my area. Chairman Lauber – Fur, especially lower end fur like coons, not politically correct in U.S. so furs go to Europe, and fur prices are down. Most people not doing for money, doing it to work your dogs and I appreciate opportunity. Would like someone to consider this and make sure there is no unintended circumstance. I fail to see a downside, but staff can look into this. Porter – Have a new email, different from proposal, [tsporter1@outlook.com](mailto:tsporter1@outlook.com); and phone number listed is correct to contact me if needed. Chairman Lauber – Good request. Porter – What legal right does hound hunter have to retrieve hound on land he is not supposed to be on? Guy called about his dog getting shot. Chairman Lauber – Complicated question with complicated answer. Tymeson – Trespass scenario. If person not hunting, criminal hunting wouldn't apply, but sticky situation. Chairman Lauber – Don't know how to advise you on that, no specific law of what rights a houndsman has. Porter – Is it legal to sell raccoon meat? Tymeson and Rankin – Yes, can sell furbearer meat.

Kim McGaughey, Ulysses – I come today because on June 19, I had three wardens come onto my property and shoot a deer that was on my property for 22 months. Not penned or chained, she came and went on her own, followed me home when she was about 9 months old. Had strong bond, she came in house, stayed sometimes 2-3 hours and then would go out. Two weeks after I had her I called Lakin and spoke to a game warden to tell him about the deer. He told me as long as she was not confined or penned I wasn't doing anything illegal. I did put a collar on her so she wouldn't get shot. Brought article from Ulysses and was contacted by Associated Press and USA Today. They came on the property and shot her five times, my property is posted, came to my job and issued a ticket at 4:30 and my deer was dead by 5:00. I called zoos to see if anyone could take it, but Garden City couldn't, Great Bend didn't have room and Hutchinson was closed. Jeff Goeckler sent out those three wardens. He said he was afraid for my health and wouldn't give me 14 hours more to find someplace to put her. Had cancer at 6 years, told I wouldn't walk or live, I fought to live because of animals, learned to walk again. They shot her in the leg and then four more times and threw her in back of truck. Shot her in driveway with handgun. Shot towards my horses and other wildlife on my property. Cruelty to animals to not feed invertebrate animal, have had birds, bucks and several herds of whitetail and muley deer in yard and she has never left with them. Been to neighbors and up to seven miles away but always came back. Disappeared two weeks before, also earlier hurt her leg, I wrapped pipe and trauma tape on it for 8 weeks, but she limped after that. When I went for walks she would follow me. Have pictures of her visiting other people as well. She gave me joy, I connect with animals, maybe more than people and my job is saving lives. Jeff told he was using exigent circumstances. My understanding is that is used if a person's life is in danger. Story reached 12 states, people reached out to me. He told me what time I left that day, she came in one time that day, I begged

them not to shoot her, he said he didn't have resources for that, I had vet that would have given him the medicine to euthanize her. I tried to start paperwork to rehabilitate the deer and he said I couldn't because I was already in possession of her. Killed her 45 minutes after I was given ticket. Tanner Dixon shot my deer and other two men said they would take her somewhere. To shoot her in front of my daughter and husband was cruel. I have sister-in-law and friend with me and I have support from people I have never met. I want justice for my deer, not one like anyone else had. More than willing to show pictures I have. Cruel and unjust and my privacy was violated in 4<sup>th</sup> and 9<sup>th</sup> amendment, because they said they were watching for 3 days before this, could have given me time to do something. Chairman Lauber – I understand and I am sorry. Don't know what kind of response I can or should give. Ask Mark Rankin to issue a statement, head of law enforcement is sick. Mark Rankin – (Statement – Exhibit F) This is regrettable and emotional situation. Euthanizing wildlife is never a pleasant situation and officers did talk to local veterinarian who said he would check and then he advised them it was not possible in this situation. They tried to catch the deer with catch pole and couldn't because of size and age of deer. Being in CWD area they felt they must continue with enforcement action. Many people think it should have been taken care of differently. To become game wardens they all went to college for four years to obtain a bachelor degree in natural resource management, they participated in competitive testing and interview process to obtain their positions. The department is currently reviewing policies and training to resolve this situation in the future; may take time to ascertain how handled in other states; and looking at what equipment might be available. Some accounts have stated permits were available to possess the deer, but they are none available; domestic deer breeder permit issued by animal health commissioner and rehabilitation permits would not qualify for several reasons. This permit requires specialized training to possess and after treatment animal can be held for no more than 180 days; this was not an injured deer, the animal was a human imprinted deer that was fed so it could not survive in the wild. Neither permit would allow for possession of that deer. McGaughey – The vet contacted was not my vet, he would make sure she would be euthanized. Could have handled her; no danger, she wouldn't have hurt him for nothing. Rankin – In the past, two people have been killed by wild deer in Kansas that were kept as socialized deer. McGaughey – Aware of diseases carried by deer, not any more susceptible to deer parasites than we are to dogs. She was not sick. Rankin – At this time, hindsight is 20/20 and how things could have been done differently. McGaughey – Told under investigation, what investigation? Rankin – Not aware of that. McGaughey – Have video of them shooting her in leg and then four more times. That was not appropriate, afraid of officers and how this was handled. Chairman Lauber – We will see what we can do and see how it can be handled differently next time. With respect, don't know what to say. Robin Jennison – A lot of us in this room have sympathy and compassion for animals. Appreciate Rankin's statement, unique situation, law enforcement officers have to make decisions every day, look at this different. If we ever do, what we have learned from this will help us. Add to Chairman's comments and say I am sorry. McGaughey – I think those officers should be reprimanded, she did not have to be shot like that.

Terry VonWey, Waubaussee County – Question on drones and what would be legal for hunting?  
Rankin – Unlawful due to statute, would take change in state law to do that. Can't supply location by electronic or mechanical means. VonWey – Against it, could use to chase deer.  
Rankin – Illegal for waterfowl. VonWey – Could fly drone over your property? Rankin – No.  
VonWey – Can I shoot it down? Rankin – I can't answer that, outside our expertise.

## VI. DEPARTMENT REPORT

### A. Secretary's Remarks

1. Agency and State Fiscal Status – Robin Jennison, Secretary, presented this update to the Commission. I have three handouts (Exhibit G). Park Fee Fund is performing well, 11 percent over last year; graph on last page, generally pull salaries out at last of year, but this year did not pull from EDIF or road fund early enough so pulled out of PFF, made adjustments, graph is right. On track, goal is to keep balances above last year's level and see how much more we need to transition to using PFF over other funds. Cabin Fee Fund performing better than last year, a good summer for park division. Continuing to do a good job and seeing reflection of actions taken by Commission. Wildlife Fee Fund, fee changes made are changing how funds come into those, \$10.6 million, show balances back to 2011. After fee increase up to over \$10 million; financially agency performing very well. Not as impacted as other agencies who rely on SGF and EDIF and state is looking at ways to fund those. They have work to do for 2018 and 2019 and see how it goes through the legislature this year, expected tax increase and may impact the parks. Commissioner Cassidy – Out of state fees went up from \$72.50 to \$97.50? Getting feedback? Jennison – I have gotten some. Mike Miller – I have had several calls on special hunt-own-land, sold more spring turkey than ever before, a few complaints but sales are up. Commissioner Cassidy – Getting some comments from vendors, asking for five-day hunting license and things like that. Jennison – No decrease in sales, big increase at once, no fee increase for several years, 2002 since last increase and 1986 for deer permits. Need to keep up with economy with set fees and opportunity; should have raised eight years ago and wouldn't have had this big of increase now. Had graph, we are in hump with surrounding states, caught up with them, the only one below us is Missouri but they have sales tax revenue. Chairman Lauber – Received some comments, expected more than I did. Unusual area was landowner tenant, went from peanuts to a lot of money. People who put land in trust and tried to use tenant situation and price did go up. No place to put tenant except in one category, from that standpoint that mismatch was corrected. Tymeson – Fair assessment on two complaints I received. Chairman Lauber – Don't like to raise fees, but glad we did because we needed the revenue.

2. 2017 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission. Legislature starts Monday, first year of two-year cycle, typically 90 days and authorized 10 extra days. Mostly finance bills. Two committees where our bills go to in the House - Agriculture and Water and the Environment; one in the Senate, Agriculture and Natural Resources; so unsure where our bills will be routed. Looked at pre-file bills and a couple things we watch. One with civil asset forfeiture, will keep eye on those; conceal carry in capitol. Had one request to do presentation on zebra mussels. Six possible: 1) cabins, adjust process on fees 2) vessel registrations, raise cap, currently \$10/year; 3) law enforcement citations, electronic; 4) mandatory boater education; 5) designate state fish, one of four states without one; and 6) change name of Lake Scott State Park to Historic Lake Scott State Park. Chairman Lauber – One individual driving zebra mussel issue? Tymeson – Refrain from comment. There are sixty new legislators so learning process for new legislators.

*Break*

## B. General Discussion

1. Commissioner Permit Update and Drawing – Mike Miller, Information Services, presented this update to the Commission (Exhibit H). January tradition, drawing for Commissioners permits. By statute, one elk, one antelope or up to seven deer permits may be issued with the limit of permits issued being seven. Qualified applicants include local chapters of nonprofit organizations based or operating in Kansas that actively promote wildlife conservation and the hunting and fishing heritage. An organization or chapter is eligible to receive a permit only once in a three-year period. Raised over \$400,000 for conservation since 2006. After the permit is sold by the organization, the cost of the permit is subtracted and 85 percent of the proceeds are sent to KDWPT to be used on approved projects. After the projects are approved, the money is sent back to the organization. The other 15 percent can be spent at the organization's discretion. In 2016, permits sold for \$64,550 (one elk and six deer) with 138 applications and 132 of those eligible (due to winning in past three years). Sheila Kemmis – 142 eligible applications this year, 146 total applications with four not eligible because won within last three years. Chairman Lauber – Do applicants let us know how they are going to market the permits? Some have higher market value than sold in the past. It is about fund raising and like more knowledge of where to bid on a permit. Miller – We can ask organizations how they are going to sell them. May not know or publicize how organizations market them. Chairman Lauber – Encourage we do that. Commissioner Williams – Heard elk have gone down in last several years. Miller – Hunters have expressed they didn't know how to bid on those permits. Audience – How do you determine who is eligible? Miller – Has to be a nonprofit organization, in Kansas. Audience – No designated hunting areas? Not on areas he can't usually hunt. Miller – Have available for public inquiries, link on website, under Commission. Tymeson – Market in way to gain maximum value.

Drawing Winners (Exhibit ):

Commissioner Ward Cassidy – (1) – #118 PF Ringneck Renegades Chapter #647 (deer)  
Commissioner Emerick Cross – (2) – #38 NWTF Kansas Spur Hunters (deer) (*Originally stated was elk, but that was an error, requested deer*)  
Commissioner Tom Dill – (3) – #97 PF Johnson County Chapter (deer)  
Chairman Gerald Lauber – (4) – #104 QF Lyon County #3224 (deer)  
Commissioner Gary Hayzlett – (5) – #132 QF Marion County #3064 (deer)  
Commissioner Aaron Rider – (6) – #62 NWTF Decatur County Thunder Chickens (deer)  
Commissioner Harrison Williams – (7) – #78 DU Maize Chapter #161 (deer)

2. Tourism Update – Linda Craghead, Assistant Secretary, presented this report to the Commission (Exhibit I – tourism handouts). Thank you for opportunity. Have video to show you, but have some guests will present as well. New calendar that came out with magazine, Kansas visitors guide fly off shelf, new Kansas Outdoor Guide, available in back of the room. Love partnerships in distribution of those. On travelks.com website has annual report from statewide perspective and initiatives from past year. Talk about tourism and value to Kansas. We know about hunting, fishing and camping and don't think of other aspects. Two members of Dirty Kanza 200 are here, Jim Cummins and Leland Dains; they brought value to state and recognition of great destination. *Showed marketing video on Dirty Kanza 200, put together by*

*Flint Hills Technical College students and instructors.*

Jim Cummings, Dirty Kanza 200 (bike ride on gravel) – Thank you for allowing us the opportunity to be here today. If presentation seems cobbled and unorganized it is, we were asked this morning to do this. Started in 2006, one of two original founders, Joel Dike and myself. We had 34 riders in 2006 and in 2017 we expect over 2,200 riders; every state in U.S. is represented and up to eight foreign countries. Impact of Dirty Kanza, to Emporia particularly, over \$3 million, most on weekend, but extended to far more than that. Stated vision of Dirty Kanza Promotions is to have Emporia be cycling vacation destination, will say, Colorado, California and other locations, but Emporia at top of list. Other amazing thing is impact on cycling industry in general, which was down due to Lance Armstrong era. Bike packing and gravel grinding are two genres keeping cycling industry afloat. We can marry those two genres and create gravel riding back packing events to utilize those opportunities to drive awareness for Flint Hills. Meeting with Linda this morning, last summer Leland and I went to the overlook on turnpike because we ride there, honored with Governor's Tourism award and we wanted to thank Governor personally. He mentioned Flint Hills Nature Trail and Governor told us we would be good partner.

Leland Dains – Even us in department, some haven't heard of it. Other areas, but here it is Emporia, Flint Hills and Kansas. A destination worth coming to, once we admit that, others will come, they do and have. Hope that next fall the Flint Hills Nature Trail will be complete, have official celebration to welcome all users to the trail. Next October, hopefully, for that. Not a competitive cycling event, but celebration of the trail with communities along the trail. Converted rail bed so town about every 10 miles. In Kansas, our people are best assets. That is experience we aim to provide. Hope that becomes an annual event. Craghead – These guys will fit you for bikes for October 7 and 8 celebration if interested. We have partnerships all across the state, not just municipalities, but people like these.

3. Webless Migratory Bird Regulations – Rich Schultheis, migratory game bird biologist, presented this report to the Commission (Exhibit J). No changes, staff recommendation options currently being considered include extending the extended exotic dove season to year-round with no changes to method of take regulations; extending the exotic dove season to year-round with an expansion to method of take regulations outside of the regular dove season; or including Eurasian collared and ringed turtle doves in invasive and nuisance bird regulations that would permit year-round take with limited regulations on method of take. Our recommendation will be presented at next meeting in March. Chairman Lauber – Do we have any harvest information on these birds? Schultheis – About 30,000 Eurasian collared doves, not much when you consider 500,000 mourning doves. Chairman Lauber – What about woodcock? Schultheis – Survey estimates. Issue you run into is because so few people harvest them, less than 1,000 birds a year. Confidence levels for those birds is huge. A few people target those birds, but hard to identify them. Chairman Lauber – index.... Schultheis – Woodcock, not popular in Kansas, but other areas where it is. Relatively abundant species. Chairman Lauber – Do they utilize flyways like ducks? Schultheis – Same idea, similar to doves. States have harvest and population monitoring.

4. Waterfowl Regulations – Tom Bidrowski, migratory game bird program manager, presented this update to the Commission (Exhibit K). Talking about 2017/18 waterfowl seasons.

The U.S. Fish and Wildlife Service (USFWS) annually develops frameworks within which states are able to establish migratory game bird hunting seasons. Frameworks establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. Only change is daily bag of pintail from 2 to 1. Staff recommendations at March meeting.

### C. Workshop Session

1. Antelope and Elk 25-Series Regulations – Matt Peek, furbearer research biologist, presented this report to the Commission. Antelope, KAR 115-25-7 (Exhibit L) – Provided overview at last Commission meeting, surveys scheduled for January 17 and 18, so will come back with recommendations at next meeting. Issues, because of limited resource, sold 516 permits last year including 272 over-the-counter archery. Other thing that comes up is use of crossbows during archery season, ended up not being an issue, having to get within 50 feet of them, very little or no difference. Chairman Lauber – Is population remaining the same? Peek – Winter aerial surveys in January, production surveys in July and August. Elk, KAR 115-25-8 (Exhibit M) – Provided overview at last meeting and season dates are provided in briefing book. Not recommending any changes in season structure, bag limits, unit boundaries or permit types. Recommending 12 any-elk permits and 15 antlerless permits be authorized for Units 2 and 3 and authorized on Fort Riley, up by two permits from last year. Population on the Fort is doing well. We flew survey this week, a partial survey due to helicopter problems; they counted 163 elk including 49 antlered elk. Success rates were down for a year or two, but now back up to 75 percent, or better, for any elk permits. May be able to vote at next meeting. Chairman Lauber – What was that number? Peek – 163 elk, including 49 antlered elk. Chairman Lauber – What is a successful bull to cow elk ratio? Peek – Variable, Kansas has been good, years ago was 50 to 50, probably about two antlerless elk per antlered elk in recent years, but still high. In Colorado, 15 bulls per 100 antlerless elk. Chairman Lauber – In a non-hunted population, 50/50 at birth? Peek – Yes, at birth, theoretically you might have something close as adults, but then whole calf crop would be antlerless. Early surveys didn't get complete coverage or were overharvesting antlerless elk for awhile. Chairman Lauber – If we allow ten antlered permits and ten antlerless, we fill them about the same percent you would think population of bulls to cows would stay about the same? Peek – Antlerless elk success is not as high as any elk; limited to one month firearm segment on the Fort where any elk are open for all the seasons. Potential for antlers tends to motivate people to get out there and hunt, tend to hunt harder and go more. Commissioner Williams – How are elk looking in Cimarron area? Peek – No complaints so good from my perspective. Elk are not there consistently or not enough to predict. Commissioner Cassidy – Is that Unit 1 you were discussing? Peek – No Cimarron, in Unit 1 don't hear a lot about predictable herds in that area. Commissioner Cassidy – No hunting in Grassland area, Unit 1? I'm sorry I was looking at deer units, Unit 1 is closed because of the grasslands. Not there predictably during hunting season, they come on and calf only; run risk of not finding any elk there.

2. Public Land Regulations – Ryan Stucky, assistant public lands division director, presented this regulation to the Commission (Exhibit N). Two proposed changes to reference document under KAR 115-8-1: section 15 of under daily hunt permits, want to take out wording for Glen Elder Wildlife Area that says Granite Creek Area during youth/mentor seasons, remove

this wording so entire wildlife area would be included in daily hunt permit; under Region 3, add Marion Wildlife Area.

3. Deer 25-Series Regulations – Matt Peek, research biologist, presented this report to the Commission (Exhibit O). First is KAR 115-25-9; establishes open season and bag limits and the calendar for 2017/2018 season presents a couple of situations where we might vary from where we have traditionally done in recent seasons. Typically whitetail antlerless-only season is the first January weekend that includes New Year's Day which is on a Monday, so we would either have an 8-day season or 1-day season, so changes the way season typically set up. What we would consider is a 1-day season, January 1 in deer management units (DMU) where one whitetail antlerless only permit is allowed. There would still be three different season lengths of whitetail antlerless-only seasons: 1-day, 7-day and 14-day season and the shortest season would not have a weekend day of hunting. At one time we did this in the past when calendar was the same and opened season on December 31 and caused confusion and dissatisfaction by archery hunters. Secondly, we would like to consider addition to pre-rut season since January season in some units would only be one day, consider pre-rut season from October 7 and 8, to October 7-9, which would allow hunting during Columbus Day, a holiday for some hunters. Making total number of antlerless days only one day less this year. Seek public comments on those two things. Population surveys, hunter harvest surveys and deer vehicle accidents could then be used to determine which season opportunities each DMU would be placed in; in addition to hunter and landowner comments. Seasons dates are provided in briefing book and we are recommending to go with three-day pre-rut to include Columbus Day and 1-day antlerless season. Chairman Lauber – Statewide in October season? Peek – Yes, the pre-rut season is statewide. Secretary's Orders are where deer permit quotas are established for both residents and nonresidents for limited permits or any-deer permits, as well as unlimited permit availability. We have received comments on mule deer population declines, particularly in the east and there are several things that are potentially responsible for decline, but hunting permit availability is where we can impact that, competition for whitetail hunting, not always palatable for hunters, but at least we can impact the availability of permits. The obvious solution is a reduction in limited draw either-species, either-sex permits but over-the-counter type permits typically account for significant percent of mule deer permits and reductions in availability of the muzzleloader permit, hunt-on-your-own-land permit and the statewide archery permit needs to be put on the board for discussion at some point. We are not proposing any changes to those permits, but bring to Commissioners' attention that we recognize that traditionally unlimited permits are resulting in the harvest of mule deer. We are looking at ways to decrease mule deer harvest in the east units. Commissioner Dill – Comparison number on how many participate in pre-rut season, versus having extra day rather than extra day in the first season in January, doing two days there versus three days in pre-rut? In discussions, a lot go out in January and not a lot in October. Is one day only worthwhile? Peek – December 31 you mean? Commissioner Dill – January 2. Peek - January 1 and 2 would be a Monday and a Tuesday, still no weekend. We have that information and harvest is quite a bit lower for the two-day; in 2015/2016 pre-rut harvest was 1,800 and 14,600 hunter days afield. In first extended firearm season, the first couple of days, harvest was over 6,600, a little over three times as much, but that would have included a weekend day. Once you get out of the weekends harvest drops off and becomes comparable to pre-rut season. Chairman Lauber – Do we want to harvest more, or presumption that we will be asked to harvest more? Peek – Presumption that some people will want to use their permit during that season because



they have had that opportunity in recent years. Commissioner Dill – Pre-rut, or January season has more including the weekend? Peek – January season harvests a lot more, there is a lot more activity. There are people who have unfilled tags that are waiting on that season to put a deer in the freezer. Whether one day is going to satisfy most of them or not we don't know, we haven't had this scenario before so that is reason for doing that. Commissioner Dill – And October 9 is Columbus Day so that is part of the reason then? Peek – Yes. Phil Taunton, KVOE News – It was brought to my attention that you are looking at deer that have been diagnosed with foot rot, when is the Commission going to address that? Peek – Shane, do we have a positive diagnosis of foot rot? Shane Hesting – Not positive yet, don't know if more than normal, but in Facebook and emails lately and people more aware of what is going on this year. We will release those results when we get those back. Taunton – If get report that someone harvested a deer with that, who should they contact? Hesting – Yes, we sent samples in from Lyon County, one set per county to maximize cost. We will count the number of animals affected. May be due to hemorrhagic disease, they lose part of their hoof and that becomes infected and we have had a wetter year than normal and that alone promotes disease. Peek – We will probably track this like we tracked hemorrhagic disease and if significant outbreak will take into account in determining how much doe harvest in each DMU, for example. Chairman Lauber – Same as in cattle experience? Peek – Pretty much. Hesting – In infected animals, hoofs get damaged and deer move and get soybean stalks up in their hoof that causes damage; bacteria will not enter a healthy hoof, post rut animals are immune compromised making them more vulnerable, so difference in the dynamics of it, but basically the same organisms. Chairman Lauber – Will have hoof rot in certain areas, bacteria is in the soil or located in an area; same thing with deer? Hesting – Correct, the one you can do is prevent spread is not baiting or feeding deer at this time; bacteria can infect area and infect all deer that come there if they have a cut in hoof may get that. Could be part of hemorrhagic disease and we have no control over that except keeping them away from deer feeders. Chairman Lauber – Are we going to every try to get rid of deer feeding? Hesting – I don't think that was on the table. Work on other issues before we do that. Chairman Lauber – Good move, expect highly controversial. It's good for the corn business. Peek – Lloyd would say that ship has sailed, it is too prominent among people now. That doesn't mean an individual can't see what is going on and around their feeder looks like a cattle lot with all the vegetation gone and trampled down; that is the type of scenario mostly likely where this is going to get established and spread. People can voluntarily stop feeding and creating those types of situations for the well being of the deer. In 115-25-9a, military areas, Smoky Hill, Fort Riley and Fort Leavenworth. They have provided us with their preferences. Smoky Hill has requested to have deer hunting seasons at the same dates as the seasons established in KAR 115-25-9. Fort Riley has requested the same seasons with three exceptions. Fort Leavenworth also has a couple of exceptions to KAR 115-25-9. This is basically to accommodate military personnel to have a better opportunity to hunt with our limited deer seasons.

4. Big Game Permanent Regulations – Matt Peek, research biologist, presented this report to the Commission (Exhibit P). KAR 115-4-2 general provisions: among other things gives deer and turkey opportunity to electronically register their animal; currently, unless a big game animal is taken on an either-sex permit, this requires the head to be naturally attached to the animal until taken to hunter's place of residence or a commercial processor and that can be problematic for hunters from other states who may not be able to legally transport a head back and why electronic registration was established to allow hunters to bone out an animal and not

have to transport it with head attached. Currently, electronic registration only applies to turkey and deer, but there is some potential for elk and antelope, even though all are either sex do have ability to issue doe-only type antelope permits. We recommend changing references from “deer” to “big game” so that any big game animal can be electronically registered if there was a demand. Chairman Lauber – Do most people know when they are supposed to register them and when they aren’t? Peek – They don’t have to ever do it, this is an option to better accommodate hunters. Chairman Lauber – If take deer to a locker plant and ask to have the head back am I supposed to electronically monitor that or have kind of permit to carry that head back? Peek – The carcass tag stays with the meat, so you could have a head without. We would recommend that you should have proof that the person had a permit, but not required. Rankin – Preferred, but not required, we can always look in the system to see if they did in fact have a permit. Chairman Lauber – Had that happen with my son-in-law and I wasn’t sure what I was supposed to do. Peek – In most cases, have part of permit you signed in your pocket, but not required by regulation. Commissioner Cross – How many hunters using that now, what percentage do we know? Peek – I don’t know the number. Miller – I don’t know the number either. Peek – Can’t tell you the number, but can tell you it is not heavily used, but is important option for people who come here from out-of-state and are going back into states where deer from Kansas head is not allowed in their state. Chairman Lauber – Have to be able to get on website to be able to do that? Peek – They can take pictures of animal with the permit and that will suffice until you can get logged in. KAR 115-4-4 big game legal equipment and taking methods: extensively modified in 2013, always new weapon or someone who wants to kill deer in unique way. Recent requests include requests to use air rifle and air bow. In the past, spear and atlatl (primitive spear throwing device) and we review these on occasion. This year no changes planned and may come back at some point and look at these at some point. Commissioner Cross – Do some of surround states allow air rifles? Peek – Some states do, but don’t know if surrounding states. Commissioner Cross – Had citizen repeatedly ask me about these and wondered if they had issues or concerns. Also, question if velocity is enough and what our concerns are. Peek – Energy in them is the question I have heard about them, if adequately lethal, but can’t speak to that. If we do open this back up for consideration in the future, we will evaluate those types of questions. KAR 115-4-6, deer management units: long term data not written in stone, but tend to think of them that way, so no changes recommended. KAR 115-4-11 big game and wild turkey permit applications: we did have discussion item here, received request to consider application deadlines so person could go in and apply for pronghorn, elk and deer permits at the same time; we are interested in considering this, but no change at this time because of new online licensing system; will revisit next year. Commissioner Harrison – When is new licensing system scheduled to come in? Todd Workman – Going through testing right now. KAR 115-4-13 deer permits, descriptions and restrictions: this regulation sets deer permit types; for example whitetail either-sex and whitetail antlerless-only either-species either-sex; these antlered deer permit types available have resulted in fair distribution of opportunity and satisfy a lot of common complaints from the past because of permit types we have in place; no changes recommended.

5. Threatened and Endangered Species Regulations – Chris Tymeson, legal council, presented this report to the Commission (Exhibit Q). With Keith and Chris Berens not here I am stepping up. Changes to Threatened and Endangered Species Act are due to a bill which took effect in July and required us to put some of our regulations into statute, generally takes about 90 days; most of them dealing with farming and ranching practices that do not require permits.

Also, it requires us to provide recovery plans for listed species within four years of species being listed could not require action permits on those species. Also, need to provide annual reports to the legislature. Expect vote in June.

**VII. RECESS AT 3:43 p.m.**

**VIII. RECONVENE AT 6:30 p.m.**

**IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS**

**X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**

Ryan Warden – In regulations for last two years, noticed tagging/custody issues have come up. It says “no person shall put or leave any migratory game birds at any place other than his personal boat or in the custody of another person for picking, cleaning, processing, shipping, transportation or storage or for the purpose of having taxidermy services performed unless such birds have a tag attached”, explain that? Rankin – Specific question? Warden – I take all of these guys hunting, we ride in my truck, we kill 100 geese legally, 50 doves and 50 ducks, and I throw them in the back of my truck. We take off go to Dairy Queen in Lakin to eat, am I violating the law? Rankin – If separate piles, no; if common pile you will, yes, they will have to be tagged. Warden – If I don’t have them in separate piles, what violation will I be written for? Rankin – Statute 32-1008, which is where we adopt federal regulations by reference. Warden – Will that be a tagging violation? Rankin – Yes. Warden – Let’s say, theoretically I take all of these guys hunting and we attach tags to these ducks and geese and they are not separated, but each individually tagged in the back of the vehicle, is that an issue? Rankin – No. Warden - Are we making that clear to the public? There has been three outfitters in the state that have had over 50 federal agents show up at their lodge; mine personally was for this; one of the other outfitters I talked to was being ticketed because of this; there is other stuff being involved, but I also get feedback that people are calling Kevin Jones and he is not giving answers of separation and tagging, he is giving answers of separation now. I have talked to Kevin several times, talked to U.S. Fish and Wildlife Service (USFWS) Migratory Game Bird Division office out of Denver and they give me the same answer every time, separate and tag. Why do we have the biggest waterfowl outfitters being hit by USFWS for three and five years, two in the last year, Is it because we are not educating them enough on the law. I had no idea until I got charged for it. Based on that, I climbed down Kevin Jones neck and now in regulations, but no clarification on what needs to be done. Chairman Lauber – All of the hunters who harvested the game, needs to be separated and tagged even if we are in the vehicle with you? Warden – Don’t necessarily have to be tagged, they have to be separated and identifiable. The hunter should be able to identify which birds are his. The problem is, you know as well as I do, the birds go in the back of the truck and the blinds in on top of them. When they do that, and when a commercial outfitter does that it is a felony. Personally, I was facing up to \$15,000 in fines and up to six months in prison per case because I was selling the hunts as an outfitter. I had no clue. If you are not an outfitter and you do it, it is a misdemeanor. Chairman Lauber - It is only federal regulation isn’t it? Rankin - We didn’t actually write and adopt our own regulations, we adopt and follow federal regulations by reference. We follow same rules as USFWS does. Chairman Lauber – Were you cited by state court or federal? Warden – I went through federal court and last two outfitters in

last year also going through federal. What do we have to do to clear the water on what needs to be done in state of Kansas because the guys in the state aren't getting it and it is because, in my opinion, Kevin Jones isn't giving the right kind of information. Rankin – Kevin and I have discussed this and as far as I know we are on the same page. Warden – I agree he is more clear now. Is there something more we can get in regulations to make this more clear that birds need to be separated? The state of Louisiana issues a sample tag in regulations. We do a gift tag in our regulations. Chairman Lauber – Are we writing many citations on this at state level? Warden – I don't think so at state level, at federal level their number one ticket. Rankin – Federal agents are ones writing those. Warden – Statement from USFWS directly to me and directly to the guys at Prairie Thunder and Eagle Head Outfitters was that we are going to clear up how waterfowl is supposed to be done starting at the top. In my opinion, every hunter here who hunts waterfowl all needs to know that. Chairman Lauber – My concern is, be as clear as we can in regulations, giving as clear of legal picture as we can. Don't know if we should offer much more at our level since we are not actively pursuing it. Warden – I understand that statement, but should you be actively pursuing it. Do you have to enforce federal law? Rankin – We would not be enforcing federal law, we would be enforcing state law because we have adopted their frameworks; we would write it under 32-1008 and it would be a ticket in state court. We enforce all of them, but if the feds come in and say it is their case we defer to them because under federal jurisdiction under Migratory Bird Treaty Act. Warden – Enforcing and educating hunters on all of them? Rankin – Yes. Warden – Is there a way for me to access how many tagging violations have been issued in the state of Kansas in the last 20 years? Rankin – When we categorize and save our violations, I can tell you how many waterfowl violations, but not necessarily tagging violations. I would have to go back and look at the codes. Warden – Okay, because I had never heard of separating and could go to any refuge and find violations because nobody knows about it. Chairman Lauber – Not sure I was aware it, but it doesn't apply so much. Warden – Not asking to add to frameworks. If they are going to come in and write up people or not and USFWS is going to come in and create havoc in businesses that are bringing in; can't imagine how much revenue generated from plane tickets, food and lodging, etc.; hard on economy, hard on state and doesn't look good for state. How do we reach some compromise on clarity on that, and that may be this meeting, to get people to understand it is the law. Chairman Lauber – Don't have a good answer beyond that right now. Warden - Can we put a tag in the book? Tymeson – We probably could. Warden – Can we explain on the website that they have to separated and /or tagged? Can be in a bucket as long as the proper information is on it. Tymeson – Difficulty is when you start changing and you put the law in the summary and somebody's interpretation changes it a little bit and you getting away from what the law really says. We try to put what the law is in there. Warden – Sometimes law is pretty vague and tough for a normal person to read through. Here it says in custody of another person for picking, cleaning or transporting they have to be tagged. He is saying they just have to be separated. Tymeson – I don't think he said that, not under the transport of another person. Rankin – Under those conditions. Warden - So what defines transport of another person? If I drive a greyhound bus and 55 people are on the bus are they all transporting or am I the transporter? Tymeson – They are all transporting as long as you have them separated it is fine. Warden – So the 55 passengers on the greyhound bus are all transporters? Tymeson – They are accompanying their own bag limit. Warden – I didn't ask if accompanying their own bag limit, I asked if they were transporters? Chairman Lauber – Yes, they are transporting. Warden – Ok, so as long as you are there it doesn't matter whose vehicle it is you are transporting even if you are not the driver? Chairman Lauber – I would say so.

Tymeson – But they have to be separated. Warden – So, what is the answer? Put on website that they have to be separated or not do anything with it? Chairman Lauber – Propose that our people study this, not make decision at this time. I see your point. Need to use bolder print or something like that. Put specific law, no opine and let feds take the heat for any law that is there. See if there is a way to augment and education. Warden – That is all I want is you to educate them.

Steve Skerce, Council Grove – Change in licensing from 2-day waterfowl pass to full year license. I own a guide service and cater more to blue collar guy, people turning away from Kansas because of the change in price. Most of my clients stay in motels and eat in restaurants. Why did we go into that when all surrounding states have one or two day licenses? Chairman Lauber – To maximize income and create value for the consumer. Personally, not out of line to change 2-day waterfowl hunt. Don't know if Mike has any recollection beyond that. Probably an undue bargain for the purchaser and got a lot of nonresident pheasant hunters. Consistent with what we were doing. Mike Miller – Small percentage of our waterfowl hunters, looked at what increases were going to be, made more sense to go to annual license. Skerce – Curious, have group from Texas that come up, decided to go to Oklahoma for distance and price of the license. friends that come out, understand department's reason, but wanted answer on why it was changed. Chairman Lauber – Looked at big picture and was equitable and only one of out of ten waterfowl hunters. Skerce – Study done, on yearly license? Chairman Lauber – May have anecdotal information, but probably not going to roll back, but information we could glean after a couple of years, but not study per se. Skerce – Thought I would ask and see if you thought there was a trend. All of my clients stayed in local hotels, ate in restaurants and bought at grocery stores. Chairman Lauber – Every dollar matters, but sure elimination of that license is going to states have 2-day waterfowl pass and not sure it is hurting us, less strain on them as far as pocketbook goes. Chairman Lauber – Will know more as time goes on.

## **XI. DEPARTMENT REPORT**

### **D. Public Hearing**

1. Free Park Entrance and Free Fishing Days by Secretary's Orders – Linda Lanterman, Park Division Director, presented the Secretary's Orders (Exhibit R). We don't need to vote on this as it is Secretary's Orders. 2017 Free fishing June 3 and 4, no valid license needed. Free park entrance days, always do two days, one they chose and one together; doing May 6 and Black Friday and may come back later with Blue Cross Blue Shield Day. Tymeson – Can you touch on first day hikes? Lanterman – First year, national initiative, first year for state. Kansas had 18 sites this year, had over 500 participants, and hiked over 500 miles in state. National numbers are just coming in, but last year had over 155,000 miles in the nation with all state parks. It is growing event; similar to Let's Camp America, hope everybody can camp on the same weekend. Those are initiatives we tried to do together with the nation as a whole. It was a balmy 61 degrees and we had 200 people at Green Recreational Trail in Pratt, gave them water and hot chocolate and had a great time. Tuttle Creek (160) and Perry (100) had large groups and other parks had some participants as well, just not as big. A great way to get out and make structured, healthy initiatives for the New Year.

## **XII. Old Business**

*None*

### **XIII. Other Business**

#### **A. Future Meeting Locations and Dates**

March 23, 2017 – Topeka, Capitol Plaza Hotel Conference Center

April 20, 2017 – Pratt, Headquarters Downstairs Conference Room

June 22, 2017 – Kansas City, George Meyn Community Center

August 10, 2017 (Tom Dill – would like to see state parks host meetings or nearby locations)

Cheney (will need special event permit for park entrance)

October 19, 2017 – Oakley or Scott City

Linda Craghead - February 8 is Tourism Day on the hill, tremendous interest, event in the evening and also hosting buffalo feed this day, lunch at Dillon Center. Also, like you to come to event in the evening. In the past, huge turnout for that event from legislative perspective.

### **XIV. ADJOURNMENT**

The meeting adjourned at 7:05 p.m.

(Exhibits and/or Transcript available upon request)