

**Kansas Department of Wildlife, Parks and Tourism
Commission Meeting Minutes
Thursday August 10, 2017
Cheney State Park – Ninnescah Sailing Club
Cheney, Kansas**

Approved Subject to
11/16/17 Commission
Approval

The August 10, 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 Ninnescah Sailing Club, Cheney State Park, Cheney. Chairman Lauber and Commissioners Ward Cassidy, Emerick Cross, 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

None (Agenda - Exhibit B).

IV. APPROVAL OF THE June 22, 2017 MEETING MINUTES

Commissioner Ward Cassidy moved to approve the minutes, Commissioner Harrison Williams second. *Approved.* (Minutes – Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Lauber – Appreciate being welcomed here.

Roger Gibson, Commodore of NSA – Great to have you here. Our club is in its 52nd year. The lake filled in 1964/1965. We have had a long-term relationship with the state and continue to work with you to improve our facilities. Member-supplied donations and labor helped build this building about 20 years ago. If you need anything, just ask. We are pleased to have you here today. Chairman Lauber – Mr. and Mrs. O’Brien have the marina which was just rebuilt on east side of the lake. O’Brien – Test run last year, the plans are done, we got storage built and working on fuel dock and slips and hope to have this marina be one of the nicest marinas in the state.

James D. McGinn Jr. (*did not sign roster*) – Come from Gatesville Texas; citizen of Kansas for 50 years; have wife and daughter with me; also served for 22 years in the army, retired Major; served in mental health as a nurse. The reason I am here is because I am concerned about how tame deer situations in the state are treated. Texas treats tame deer situation differently, but laws are the same in Texas and Kansas, listed on both websites it is forbidden to keep tame deer. In Texas the interpretation is different, not considered you are keeping a tame deer if your fences are less than 8 feet tall; if fences are that tall, you have to have a breeding permit. If fence is 6

foot or less or you don't have a fence you are not keeping a tame deer, according to state of Texas. Here in Kansas you get a ticket and then the deer gets killed right in front of your family. I was raised on hog farm in Kansas and I slaughtered all of the meat personally from age 12-16. Rule number one in country is you don't slaughter or kill your pets unnecessarily. The tame deer that was slaughtered in December 2016 was not injured in any way, not to the point it needed to be killed in front of its family. My concern is not that that happened, but with citizens of Kansas, my family homesteaded near Halstead. My point is the family had an 8-year old son and if he develops PTSD, state gets sued for millions of dollars; everyone here will look bad. If they don't sue the next one probably will. A serious situation and the state and KDWP should take that into consideration. In Texas, it is ignored if fence is 6 foot or less. We have a tame deer, Lola was found on the road, she was gaunt and her face was bleeding and she was shaking and trembling and could barely stand. We picked up the fawn and put in their car. Lola is three years old now. When this tame deer situation happened Mr. Jennison said there were two reasons why tame deer aren't allowed in Kansas. Have pictures on my Facebook page, in Kansas and in three days, Lola would be dead. This situation needs to stop, other ways to handle this, like they handle it in Texas; not ideal in Texas, but better than in Kansas. Let me explain another situation in Indiana, tame deer was found, state department of wildlife came out, they got a \$500 ticket and gave them 30 days to do something with the deer instead of slaughtering it on the spot. The Indiana home owner was an Indiana Highway Patrol trooper, he called the Governor's office, Mike Pence who told the Indiana DNR that they needed to reinvestigate how this tame deer situation was being handled. They threw the ticket out and said the trooper could keep the deer. I am retired Major in the army do I qualify to keep mine? Kim McGowey in Kansas was an EMT, does she qualify to keep hers? I guess not. That doesn't seem right to me. Chairman Lauber – Appreciate your comments, we have hashed this out in the past few months, appreciate what you had to say. McGinn – you said you would change how tame deer situations were handled? Chairman Lauber – I did not say I would change that. McGinn - Look at it. Chairman Lauber – All right, thank you.

Robert Shook, Sedgwick – Talked to Ward Cassidy; last year in Mr. Cassidy's area there was an out-of-state outfitter that came in and leased up a ton of walk-in hunting areas. I understand farmers can do whatever they want to, but as a business owner I have to pay sales tax, register my business. In looking up statutes for Kansas, any hunt that is sold has to pay sales tax and register that business. Research shows that a lot of outfitters that advertise Kansas hunts are from out-of-state, this guy was from Texas who had local contacts. As a commission, are you ever going to look at that? I know the people who work in walk-in hunting access program spend a lot of time. It is hard for farmers to agree to lease and once it is in we would like to keep it. Is there any way in the future to keep an outfitter from coming in and leasing up 60,000 to 70,000 acres? He took only one hunter, but kicked out a lot of local people. We were traveling to Cheyenne County to hunt. Is there anybody with the department who checks outfitters? To see if they have permit and are abiding by the law and charging sales tax? Maybe there should be a lease tax for outfitters that could help the local community. Chairman Lauber – This is most common complaint from constituents, residents upset with leasing in general and that it is tying up the land for a small number of people. Understand what you are saying. From our perspective, we have tried to look at this with spirit of cooperation with landowners. We don't have resources or directive to collect taxes, that is Department of Revenue; expect sales taxes do apply, but there are certain exemptions. I get it, but just don't know how we can affect that. We have a budget where we can only pay so much for walk-in hunting, have parameters and try to do what is best,

but don't have the resources to compete. Shook – I own two businesses in Sedgwick County and they have the resources and you have to be permitted on everything and it takes six to eight months to open a business here. Asking the commission, how we can make this so it is not so simple for an outfitter to come in; they have to go through a list of 10 steps to qualify to become an outfitter; they have to in western states. Make it more difficult for them to jump in and out of Kansas. Chairman Lauber – There was one point in time where one of our charges was to try to organize and keep a minimum amount of professionalism among outfitters, they complained to the legislature and claimed our rules were affecting their economic development. We had a modest fee and they wanted 15 free assistant outfitters to work under him; everybody was gaming the system and we don't have it anymore. Interested in doing it, but agency can't fall on our sword and get crosswise with the legislature. Shook – Bring up the sales tax deal and I guarantee they will do some investigations. Chairman Lauber – I suggest you independently check with the Department of Revenue to see if there is a way and check with your elected officials. We understand, it is the biggest complaint we get.

Chad Dawson, Wichita Delta Waterfowl, a new conservation group in the area – We advocate for more ducks and more duck hunters and hunter rights. Started in September and when I joined looked at FISH access program and I noticed that it is publically funded for public fishing, but 2,000 acres of water ground and 300 properties; and I look at it as a potential opportunity for water access for waterfowl hunting. Is there an initiative to push for that or an opportunity there to make contact with landowners to see if that is possible? We have brought this up to various individuals and they have talked about it and they said if they wanted to be part of it they already would be. Can we, as a chapter, fund a questionnaire to see if they are interested in that; or what it would take? We were told that would be ineffective. Is there anything that could be done through Wildlife and Parks to push for that in some fashion or is there something else we can do as an organization to advance that? Chairman Lauber – Encourage you to contact the office to see what type of things you could do as a group to get a hunting cooperative or work out something like that. From our perspective easier to get fishing access than hunting access. I understand, but don't know what can be done and don't know if the department has ever tried to do that. Robin Jennison – Jake George could address that from department standpoint. Jake George – Fishing access program is done by fisheries biologists and hunting access by wildlife biologists, but we work together and both programs are offered to any landowner. We do have some of the FISH impoundments that are also enrolled in the hunting access program; the same incentives are offered 50 percent in eastern half of state and we have tried various incentive programs, so offered to landowners and those interested did enroll. At this point not sure what else we can do aside from attempt to get additional fishing access properties that may be willing to allow hunting access too. Dawson – Any opportunity to offer for shot shell only or archery access only on hunting properties? In my opinion, landowners are worried about foot traffic and high powered rifles. George – In and around urban areas we also have special hunts program and we are doing a pilot program with new study of that using iSportsmen, a first come, first serve hunt open for specific dates; includes 18 counties including Sedgwick and surrounding area. We will try on a few properties this fall and that may be something where we could expand to allow certain dates for limited access waterfowl and potentially sell that as an opportunity to the cooperator. Shook – Are you thinking that will be similar to special permit draws they offer starting in July? George – It is similar, but a little different using the iSportsmen that we use on public wildlife areas, it would be first come, first serve where you are able to sign up to utilize the property 24 hours in advance on your phone or online. It allows us to limit the access and

alleviates thought that the property is going to be overrun. There are some opportunities there.

VI. DEPARTMENT REPORT

Kansas Bowhunter Association Check Presentation – Keith Sexson – Introduce Bob Griffin, president of Kansas Bowhunters Association (KBA). Bob Griffin, Lebo – I talked to Lloyd, before he retired, about the new mule deer initiative they were beginning and he suggested it might be something KBA could help fund, so I would like to present a check for \$5,000. Sexson – On behalf of the department, we appreciate your donation to the mule deer research project. The first deer research project I can remember in Kansas that addresses some deer issues. Thank you.

Blue Cross/Blue Shield Presentation – Linda Lanterman – Would like to do a presentation to Marlou Wegener, chief operating officer of Blue Cross and Blue Shield (BC/BS) Foundation. Blue Cross and Blue Shield has been a strong partner for outdoor recreation for some time in Kansas. A few years ago they teamed up with Kansas State Parks for a healthy adventure day, which we had in the end of September and October 1 of last year. Not only did they do that, but they have been a strong supporter in the development of our Flint Hills Nature Trail and have been a long time supporter of Kansas Recreation and Park Association, to which many of our state parks have applied for grants for programs such as OK Kids events and other initiatives they put through to get kids outdoors. On behalf of Kansas state parks and KDWPT, we welcome Marlou to come up. We are going to show a video of one of the TV ads for Healthy Adventure Day, it is pretty significant. As Robin would say, Kansas state parks have been excelling in our visitation and revenue over these last few years and I contribute that to the help of Blue Cross/Blue Shield and the advertising you enabled us to put out. *Presented award to BC/BS (read plaque)*. Chairman Lauber – Know Marlou’s grandson, Otto. Marlou Wegener – Andy could not come, he is avid outdoorsman, loves Kansas state parks and visits them often and it was his insight a few years ago to develop a partnership with the department. Partnered in a variety of ways and on our free healthy adventure day at all Kansas state parks. If you are wondering why we do it; this is 75th anniversary of Blue Shield of Kansas plan and that is taking a lot of time and effort. We want to continue partnership. Besides working with Secretary Jennison; Linda Craghead and Linda Lanterman are fantastic to work with and it has been my pleasure to work with them on these projects and look forward to future partnerships and events to get people outside to State Parks. Thank you for this honor. *(Played video on Healthy Trails Adventure Day, Saturday October 1)*

Chairman Lauber – We have an issue we need to deal with regarding the date of our next meeting. Chris Tymeson – I got notice this morning about an issue that deals with the procedure on how regulations are supposed to be voted on and due to circumstances beyond our control we are going to have to move the meeting back. Because we have already published notice for threatened and endangered species regulations it will require them to be noticed up again to vote at January meeting. The October meeting will have to be moved back about a month and are awaiting confirmation on the location; we will still meet in Scott City, but meet November 16. Chairman Lauber – You have been trying all morning to figure a way around that. Commissioner Williams – Is that the second week in November? Tymeson – Third Thursday of the month.

A. Secretary's Remarks

1. Agency and State Fiscal Status – Robin Jennison, Secretary, presented this update to the Commission (Exhibit D). Before I do fiscal status; in last year and a half of my tenure I get more reflective and this meeting today, being here and having KBA here with their gracious check and BC/BS partnership brings to mind that this agency has some great employees and over last seven years made phenomenal progress and we couldn't have done it without our the various partners we have around the state. What we have done with wetlands with grants and Ducks Unlimited, Pheasants Forever and what they have meant for the state and this agency has been tremendous. I want to add my thanks to the bowhunters for their generous contribution to the deer effort; it shows why Kansas has been so successful. What BC/BS has done has been extremely helpful with the monies we have to promote this state. Appreciate the Sailing Club and the opportunity to come to one of our resources and have a facility like this on the resource to have a meeting in is phenomenal. One of things we talk about as we go around to commission meetings is trying to have the time so commissioners can see some of the assets that this agency takes care of for the state of Kansas. To be able to come to Cheney and have a place like this and the Sailing Club willing to let us use it is phenomenal. This agency is doing a great job, but couldn't do it without the partners we have had. Largely because of bringing tourism into the agency, is the confidence other people have in the potential for Kansas as a destination for whatever they want to do has grown significantly. The Governor is leaving and he asked his secretaries to list accomplishments we have had in the last seven years; I quit at two pages. One of the things that interested me in that is we register all of the agritourim businesses in Kansas and over the last seven years we have doubled the number, a lot of that credit goes to Sue, but the fact of the matter is those folks don't have to be a registered agritourism business; they get very little from it, some liability protection. Through the activities of this agency, people have gained enough confidence that we doubled that number and see that throughout the accomplishments. Noteworthy in financial report; parks were issued a challenge to become more self-sufficient and they have embraced that and done it. Last fiscal year, for the first time ever there were two months in that fiscal year that were over \$1 million in revenue for the parks division. August so far has been a nice month and it would not shock me that it could be another \$1 million month. I usually talk about park balances because we try to get 50 percent of our annual budget. If you look at park revenue in 2011, \$5.2 million; \$8.3 million in 2017, a 37 percent increase in revenue. If you look at balances, compare end of July to last year, up \$600,000, but I will remind you that last year we had a change in the accounting department and one of the things we do at the first of the year is start pulling salaries out of EDIF, but we did not make that transition until later last year, so I adjusted for that; which if reflected in graph. Beginning year a little below last year, but remember parks division last year took a \$500,000 rescission in EDIF money, and we adjusted that in end of year took from parks because of three areas that get EDIF money; administrative function, parks and tourism; as we got to end of year we had enough in administrative function that we were able to take \$100,000 and use for parks expenditures and did the same thing with tourism to better spread the loss of EDIF over three functions. The parks division throughout the last six years as we have lost general fund appropriation and EDIF appropriation, parks has taken all of those hits, but this year offset a little. Budget this year should be full appropriation of EDIF and if we have a reasonable August we should be back over FY17 line and see a return to what has become a developing trend for revenue in PFF and see stability compared to last year and may continue to increase. In cabin fee fund (CFF) off to

reasonable start, closest year was FY15, about \$30,000 over July FY15. The wildlife fee fund (WFF) has reasonably strong since I got here, seen balances go down and got fee increase and got better response than anticipated. We should be fine on budget this year. State's numbers are coming in above last year because of retroactive tax increase that legislature passed, but also running ahead of projections; under for last several years. Compensating for what we thought it would be, coming in ahead. Fiscally going to have a reasonable year as long as weather holds out and we continue to sell licenses. Commissioner Cassidy – Computer system, no more problems with that? Jennison – Less and less problems. We are gradually getting those resolved. A little slow getting the monies to come in and distributed to the right funds, but caught up now. We met with Active and had an after-action meeting to talk about things that did not work, closer but not everything fixed yet. Commissioner Cassidy – Vendors all up and running? Jennison – Yes. WE had some issues when we did the leftover draw, but taken care of now.

2. 2017 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit E). I went over in depth at last meeting, the two-year cycle, bills not passed still alive for debate and action next year. SB 25 – department initiative, dealt with cabin fees, passed Senate, which would make more dynamic pricing; intend to push forward again next year. SB 26 – increasing cap on vessel registration fees and will come up later in agenda under boat registration fees with Mike Miller, but passed and allows the Commission to set that rate under that cap. SB 240 – which ultimately became HB 2407, allows the department to purchase 1,000 acres in Sherman County, currently owned by Pheasants Forever; went through five minutes before conclusion of legislature. HB 2098 – renamed bison herd at Mined Land wildlife area after Representative Bob Grant who passed away a few years ago. HB 2191 – department initiative started four years ago; as we convert to electronic licensing, cleans up some law enforcement issues. HB 2192 – renames Lake Scott State Park to Historic Lake Scott State Park, which is why we were heading there in October, now November. HB 2193 – boater education bill, plans to push that again next year. HB 2199 – dealt with conservation easements, another rendition of anti-conservation easement bil; saw no action, but would essentially authorize any county board of commissioners to regulate any conservation easements located within that county. Anticipate another attempt on HB 2207 – dealt with written permission and some law enforcement issues related to trespass; it had a hearing, passed out of House floor, re-referred back to committee and there are broad implications for people on both sides of that issue. HB 2208 – dealt with landowner transferrable deer permits, had a hearing in committee, did not pass, but was attempted to amend onto another bill, but was unsuccessful and also attempted to add to overall state budget bill and we got that defeated as well. Next year we have a few more initiatives we want to talk about, but one will be to work on fees that were increased over last 14-20 years have come up against their cap in statute, so will need to work to increase those caps next year so we don't end up in a scenario where the department ends up in a fiscal crunch and the commission can't raise fees to meet the needs. Chairman Lauber – Conservation easements, what is the controversy around those? Why legislation regarding them? Tymeson – Hearings two years ago, three proponents of bill to allow counties to regulate conservation easements, basically three individuals and about 20-25 groups that opposed. Some irony in it, as Kansas is a private land state, that you have individuals purporting to be supporters of private property rights trying to argue that the counties should have the authority to tell you what to do on conservation easements. It is a difficult issue, especially when you start talking about estate planning and things like that. The arguments for this were that conservation easements devalue property

values. Varied reasons they are in perpetuity, you don't reap the benefits of estate planning from a tax perspective if not in perpetuity and why should somebody be able to lock up land when I might buy that land someday; some of that. I don't know, no discussion on the issue this year and don't expect play next year; surprised it came back after soundly defeated.

B. General Discussion

1. Big Game Regulations - Levi Jaster, big game research biologist, presented this report to the Commission (Exhibit F). In August we bring forth permanent regulations for big game for public comment; 115-4-2, general provisions, tagging and transport and salvaging carcasses, in recent years minor changes, last year elk hunters were given ability to register their animal, for this regulation not proposing any changes. Next, 115-4-4, legal equipment and taking methods; last changed in 2013; these are not typically changed on annual basis and we're not proposing changes this year. 115-4-6, deer firearm management units, establishes boundaries for management units, including Unit 19. We want to keep them the same so we have long-term analysis on populations and harvest; no changes proposed. 115-4-11, big game and turkey permit applications, no change proposed. 115-4-13, deer permits descriptions and restrictions, establishes various permits we have in Kansas and identifies what an antlerless deer is; starting in 2016 we no longer offered either-species antlerless-only permits to address changing mule deer population; results from analysis of harvest data from 2016 indicates last year was lowest antlerless mule deer harvest since 1983 and dropping that permit played a significant role in that. We continue to monitor harvest rates on mule deer and keep track going into future; no proposed change. On 25-series regulations season dates; additional handout (Exhibit G) shows all of the seasons in one place and on the back has seasons back to 2011 to show what we are offering for potential seasons for 2018/2019 and how those would compare. There are a couple of adjustments being considered; in 2018, youth/designated persons season would start on the first of September, traditionally first Saturday of September. To get ahead of potential conflicts with dove season, potential start date would be September 8, still have nine days to hunt. Then archery and muzzleloader would start both on September 17; muzzleloader would run through September 30 and archery through December 31. For extended season we have had three possibilities for season length: one would be four days and in 2017/2018, because of how the season fell we have one season that would typically be started on Jan. 1 and run through the first weekend. To do that in 2018 it would have made it extremely long, relative to what has been done in the past and not given us much of a short season for those units where there is only one antlerless permit allocated. The potential opening for that is to have a one-day season in January in those units where only one white-tailed antlerless-only permit is allocated. Then shift the pre-rut antlerless season forward one week so that it falls on the same weekend as Columbus Day in 2018 and allow three days during that season, which is a holiday for some hunters to gain some of that back. That is what was done in 2017/2018 season. The regular firearm season will start again on traditional Wednesday after Thanksgiving on November 28 and then we will have those three antlerless seasons that start on January 1, the one-day, a six-day and a 13-day and in Unit 19 they would have 14-31 for archery extended. I will come back with more data on population indices and public input to develop list of what units will fall into what extended January firearm season. Those are the potential dates and I will bring back in November and January and finalize in March. Military unit seasons come forward at a later date in 25-9a completed in June.

Dave Easton, Pottawatomie County – In Clay Center, discussed with Lloyd about 2-day doe season for rifles in October and he said there was almost no participation and said that was a trial for 2-3 years and now we are going to expand it to three days? Jaster – Expanded in 2017 to three days. Easton – Have you considered dropping it? Jaster – In harvest data, there is little participation, but primarily residents and at this time no reason to change it and it provides opportunity for antlerless deer. Chairman Lauber – The purpose of pre-rut whitetail antlerless-only season was political in nature, too many deer contingent wanted something done; probably not effective, but not a downside either and every year there will be give and take discussion with these guys. Not strong proponent, but to drop it signals less cooperation. Easton – One possible downside, bowhunters if they don't wear orange on those two days they could be ticketed.

Robert Shook – Labor Day weekend is a big deal, a vacation day. I have two boys in sports and a daughter and typically we don't have practice or coaches meetings. From western Kansas originally and that is where we hunt, mostly. On that three-day weekend, it would be nice to go out there to dove hunt and deer hunt, if looking at Columbus Day, look at youth season. To get more hunters to get hunters safety for youth; maybe not let youth have a buck tag until they have hunter safety and that would concentrate on more doe kills for younger people. Jaster – With youth, often issue to find someone to take them hunting and trying to affect the most amount of people in a positive way and not have them have to choose if they want to hunt deer or dove hunting.

2. Tourism Update - Linda Craghead, assistant secretary for Tourism and Parks divisions, presented this update to the Commission. Last week went on tourism road show, an opportunity to do some site inspections; a lot of fun, but a lot of great assets in Kansas that people don't know about. The key of that road show was to educate people in the communities about what we do. We have well over 250 stakeholders and we provided everyone with a three-ring binder notebook and a marketing manual. Basically the topics we discussed were everything from agritourism, marketing, amusement park bill, public relations, research and education and grant signage; all the things tourism team is responsible for on behalf of the stakeholders in Kansas. I have extra notebooks if anyone is interested. In the marketing book, we as a state have the opportunity to buy, much like buying t-shirts, get more for dollar when you buy in bulk things like digital media, TV air time, print publication; then we work with all 105 counties and all city CVBs, all businesses like hoteliers, hunting lodges, wineries, breweries and everybody and they get offered discounts on ad buys if they buy through our marketing co-op. We also try to reach out to all different levels of businesses. Included in book, because we work with small businesses and small communities, we offer things free of charge. Our job is to help all businesses across the state, from tourism perspective, all the communities in all 105 counties to help promote wonderful opportunities in the state. We went to Oakley, Hays and Kansas City and it was an incredible group of people who are excited about growing their businesses. Next year the road show will take place in southern 1/3 of state. Look on website, usually around first part of August. The state of Kansas hosted the U.S. Junior Olympics in Lawrence at Rock Chalk Park and many people stayed at Clinton State Park. We hosted over 10,000 athletes, over 40,000 people, from around the U.S. and four different territories. They stayed for ten days and filled every hotel in Lawrence, Topeka, Kansas City, Olathe and other communities around the state. We encouraged them to get out and explore the area and spend their money while they were here. When we are out doing group marketing for sports, we are trying to recruit events like that

to come to the state, Kelli Hilliard is our go-to person on that; excited about economic impact that had. We talked about good things going on in our state parks from revenue perspective, here we rely heavily on sailing club, that markets for people to join and grow the membership; there are incredible sailing boats here and they have races on Monday and Wednesday nights and what they do also helps us attract people to this state park. We also do events like Country Stampede, a long standing Tuttle Creek State Park Music Festival and hope that continues for many years. We hosted first Dam Music Festival at El Dorado State Park, the last weekend of July; they had about 15,000 people, totally different crowd than Tuttle Creek event. Look for it again, we hope to have for many years to come. Appreciate Commissioners willing to make changes in fees, but this is what the team does to come up with creative ways to bring people to come to our state parks. This Saturday, around Milford State Park, it is 50th anniversary of lake and activities will start at 8:00 am; if you want to put together your own cardboard and duct tape boat you can bring it up to race. We talked at the last meeting about the implications of the Amusement Park Ride Act on our agritourism businesses and there is a public hearing with the Department of Labor September 7 at 9:00 am at their building on Topeka Avenue; if your business is impacted that will be an opportunity to submit written comment before that event or address them at meeting. Registration is open for Rush the Rails, our grand opening of the Flint Hills Nature Trail, 117-mile rail-trail corridor from Osawatimie to Council Grove, eventually to Herington, taking place on October 7; Keith registered for 25 mile bike ride; there are 100-mile, 50-mile and 25-mile bike rides or a race so you can run all 100 miles of the trail; coordinated by team from Dirty Kansas 200 on our behalf. (*Showed a series of videos – Duck Hunting in Kansas shown on Outdoor Channel on national TV; Kansas Couples Getaway on statewide TV; Millennial Road Tripper 2-minute video shown on YouTube, and 30-second video; Millennial Outdoor Adventure; Delta Sky in-flight Welcome to Kansas featured in magazine and shown around the world*). These videos target a variety of targets; hard to cover Kansas from corner to corner and all of the wonderful things we have in a short amount of time. One of the challenge is to prove that Kansas video, we tried for a while to put the location at the bottom of the video and what happened was the eyes went off the video and it got jumbled, so what we use is clicktivated, a button that comes up that you click to show labels of where video is taken and how to find information about it. Other work in progress; opened new motorcycle museum, Evil Knieval International Museum in Topeka, and a new St. Francis one in northwest Kansas. We are working on a motorcycle video, highlighting Kansas' 25,000 miles of open road and five motorcycle museums. We are doing an urban fishing commercial. We saw some preliminary ones and got good feedback from Doug and his team, got footage done on Kansas City fishing area. If any desire to use those assets, digital is all tagged and that belongs to stakeholders of Kansas, use it, but give credit where due. Commissioner Cassidy – Are we involved in signage, just got some new signs at Arikaree Breaks, which were really needed. Craghead - Signage was done locally; there is a signage section in 3-ring notebook that talks about application, in particular brown and blue signs are the signs we coordinate work with the Department of Transportation on; also byway signage. People fill out application, go over to validate whether they meet the requirements and work with Department of Transportation to get signage up; we don't always see eye-to-eye on some of those things, but we work with local communities. Try to make it easy for communities and stakeholders to have a resource and is also available online.

Break

3. Mined Land Wildlife Area Project Overview - David Jenkins, Mined Land Wildlife Area public land manager, presented this update to the Commission (Exhibit H). Update on safety reclamation projects completed over last few years through KDHE Surface Mine Section. Mined Land is 14,500 acres in Cherokee and Crawford Counties, 70 percent of area was surface-mined for coal. It is located in Cherokee Lowlands and receives about 40 inches of rainfall each year on average. There are 200 strip mine lakes that cover 1,500 acres; first acquisition by department in 1926, with largest parcel donated in 1981 from P&M Coal Company. There is a lot of infrastructure, 45 dams, 80 boat ramps, 120 parking areas, 21 miles of interior roads, lots of boundary and two offices, one near Pittsburg and one at West Mineral, we manage two cabins and several outbuildings. We have between 250,000 to 300,000 users per year. The unique features were created by coal strip mining; and Big Brutis is the largest electric shovel in world, it weighs 11 million pounds and is 16 stories tall with the cost being \$6.5 million in 1962. These large shovels were used to remove the top soil, clay and shale and then other equipment removed coal and the pits would fill up with water and that is what created the fishery. They would start in an area where there was a coal seam, dig it out and create piles with top soil, called the dumps, which created the topography and then the hole filled with water. KDHE has done all of the work through their office in Pittsburg. Prior to 1977, people were able to mine coal, zinc and whatever and reclamation was not required, but in 1977 the Surface Mining Control and Reclamation Act was passed, and a \$.35 tax was required on every ton of coal, from coal companies that were strip mining, dollars come into federal coffer and are allocated to states that have current or past mining. KDHE identifies safety hazards and that is how we qualified for funding. Their main priority is to address hazards to health and safety. Some of the attributes we like are improvements to habitat and infrastructure. They name their projects different, we go by units and we have worked on 34 of our 47 units; restored 60 acres of wetlands, planted 621 acres of native grass and these started back in 1994. We just finished a couple and have one slated to start this fall. We have spent around \$12.5 million on construction, with other cost around \$15 million total on projects so far. One project that drew attention a couple of years ago, we have made a better offer of getting our projects out since then; cost was \$3.5 million, moved 1.5 million cubic yards of material and put in new boat ramp, two parking areas, a concrete weir, replaced some failing infrastructure, reduced flooding on one of the country roadways and replaced 20 acres of strip pit with a 5-acre pond basin, a 10-acre wetland and another 5-acre wetland cell and restored 142 acres of native grass. (*Showed pre- and post-construction pictures.*) Just completed safety reclamation on units 22 and 23; \$624,000 project that was done in late June. We thought about opening the roads, but decided to wait until May of 2018 and have an official opening. We have a fish feeder in there and channel catfish are coming, so it should be a good draw for local fisherman and campers. Also improved 3.6 miles of interior roadways, nine parking areas that turn into primitive camp sites as well, widened roadways, opened 20 small finger pits that were blocked in by vegetation, 35 acres of native grass planted, developed another wetland, as well as other infrastructure. Softened the turns and grades on interior roadway improving visibility and rocked the road (*showed pictures*). Unit 24 is project slated for next fall and bid closed at \$646,000. Plans are to relocate and rebuild five boat ramps, restore stream bank, raise the water level four feet on two large strip mine lakes, excavate area to adjoin both of them for access from one boat ramp, and construct a new spillway (*showed plan map*). Had state record channel catfish taken there, 36 pounds, 8 ounces; also state record largemouth, 11.8 pounds, which was from a private strip mine lake. This project with Kansas Department of Health and Environment Surface Mine section is starting to sunset; they have identified most of the safety hazards and

there will be no more pit fills like we had with the Deer Creek project. Unknown audience – Is water quality any different than surrounding ponds in the area? Jenkins – There are a few issues with acid runoff in the area. We monitor that but it will lower the pH every once in a while. There are no metals to speak of that cause problems, just pH problems. Chairman Lauber – Getting information from concerned people in the area, fear that KDHE had money they needed to spend and helped us even though we didn't want to be helped. One of several opinions, do you feel there are some issues there that habitat was being reduced under the cloak of safety? Jenkins – You might be able to make that argument, but we have improved habitat, improved roadways, improved fishing access; a win/win for sportsmen. Convinced we did the right thing with the dollars we were allowed to utilize. Commission Rider – What was process to start this, how did they determine what was a safety hazard, did they come to you, how does that work? Jenkins – They determined safety hazards and from there they had engineers draw up the plans, we sat at table. Usually good plans and we sent up the chain from there. Commissioner Rider – The big thing, from what I hear, hunters and anglers wanted to make sure not just one person was deciding this thing; that the department agreed that was what they wanted to be beneficial in the long run for a wide variety of users. Is that where you are at with this process? Jenkins – Definitely want to benefit all users. If they identify hazards, there is a federal reclamation act, in my mind we are bound to do something in terms of safety; if accident after identified that could come back on the department. Chairman Lauber – Over the years, the Corps of Engineers has restricted access to sportsmen under the cover of safety, more than any other reason. Commissioner Williams – Some of those people didn't have the secondary access they wanted, some roadways being closed and they wanted easier access closer to them. Jenkins – Understand that argument, but with units 22 and 23 being completed and closed and one coming this fall, I can see that as an issue, but it is just the pain of construction. Going to have opener on the one this May and we do have some road closures for fall hunting season, to make better quality experience for archery hunters. Don't know if that is what they are talking about. Commission Williams – But, will reopen in the spring? Jenkins – Yes, in March. Secretary Jennison – This came up a couple of years ago, the biggest concern back then was filling some of the strip pits and concern with anglers. We were there with KDHE and they did a good job and from my standpoint we are creating a diverse habitat and create opportunity rather than reduce it, creating better access than before additionally. We have been involved in plans being made. If nothing was done, we saw roads next to strip pits that were going to erode and at some point somebody would have to pay to take care of, so maintenance taking place now that was going to have to be done sometime and we had opportunity to get that done. It is making it a much better place and with renewed concern, Keith and I are planning to get down in there in the next couple of weeks, any of you can plan to go too if interested. A great opportunity to see what is taking place and you will see they are enhancing opportunity, not taking it away. Commissioner Rider – Could you put these slides, or something like it on the website? Jenkins – We could some of it. Commissioner Rider – You have a lot of information in these slides and presentation, not everyone can make it to a meeting; and it may alleviate some of their concerns.

4. Walleye Initiative Update – Doug Nygren, Fisheries Division director, presented this report to the Commission. In March 2016 presented initiative to the commission and provided you with PowerPoint from that time for your review (Exhibit I). What we want to do is have more and bigger walleye for anglers to catch. Talked about what we did biologically, human dimensions and different strategies to use to improve that and boils down to using regulations to

optimize fisheries with different approaches and improvements to stocking programs. In Kansas, nearly all of walleye are due to stocking, we don't have much natural reproduction. I will give background, Dave Spalsbury will talk about 21-inch length proposal we will be discussing this evening in workshop, and Daric Schneidwind, manager at Milford Hatchery, will talk about exciting things we are doing statewide to enhance walleye fishing. We harvest about a million channel catfish in Kansas each year and 1.2 million crappie, but only 80,000 to 90,000 walleye a year; a rare resource in terms of the number we have to distribute among the states 400,000 anglers. There is still a lot of interest in walleye, the fourth most preferred species in state, so important resource; with crappie, largemouth bass, catfish, then walleye. Not been able to meet the demand of biologists because we don't have enough hatchery space, but trying to make improvements. We do good job of stocking fry, in 2016 had request for 41 million and we stocked 44 million; this year request for 35 million fry and stocked 42 million, but at some lakes fry is not the best option because they don't survive or do well. Biologists can request fingerlings; put in ponds as fry and as soon as they ran out of natural food we had to get them out or they would start eating each other; used to stock 35 mm fingerlings, now stocking larger size. In 2016, request for 1.1 million fingerlings and we were only able to produce 644,000; request down to 813,000 and produced 653,000; incorporated help from private sector, Mark Harbin Fish Farm and provided him fry from the hatchery and he reared them to fingerling size for us. Looking at different opportunities to meet demand, including enhancing our production capabilities. Demand went down because we are embarking on new thing to stock 8-10 inch walleye, so offset fingerlings with fewer, but larger fish. When it comes to regulation changes, we are taking regional approach to walleye fishing, have lakes with fish of different sizes in an area, like Wichita, also had a strategy for trophy fishery, at Milford implemented 21-inch; already had 21-inch here at Cheney, but it was for biological reason to control white perch and the same at El Dorado, to control white perch. Four strategies; harvest strategy; trophy strategy; brood stock strategy to be sure enough brooders to support stocking program, need 80- to 90 million eggs a year to get walleye, sauger and saugeye necessary to maintain fisheries and biological strategy. In any given part of the state, we want to have, in a 60-70 mile radius, opportunity to metropolitan areas and opportunity to pick the kind of lake anglers are interested in. Also, know from human dimensions work, anglers who fish for walleye will go 95-100 miles. Dave Spalsbury – district fishery biologist at Cedar Bluff – (Exhibit J) I am responsible for proposal to change to 21-inch length limit at Cedar Bluff. Decision to make change was based on data collected. Cedar Bluff has one of older walleye populations in the state, first established in 1953 and an anomaly because we have natural production and recruitment and population has been sustained. There were no length limits for many years and in 1990 enacted 18-inch length limit, which has been successful for the quality of the fishery. (*Showed graphs of data, compilations of numerous creel surveys*). Before the length limit, anglers were keeping all of the walleye they caught, even down to 8-9 inches; now anything over 18-inches is gone. After the length limit was set in place anglers were catching 18-28-inch fish, but before that never reported fish over 18-inches. Looking at fishing pressure, can't look directly at fishing pressure as surveys are not set up that way; but we have long-term data back to 1979. We can show metric of catch; lot of interest in walleye fishing. Up to 1990 a lot of interest in walleye fishing, 18-inch length limit was increasing size structure of the population, but then the lake filled up and conditions for walleye production decreased and crappie and black bass became the primary and interest in walleye waned, which gave time for population to rebuild under the radar. Jumped closer to present, 2014 last creel survey and population is increasing, anglers are descending on Cedar

Bluff and there is a lot of fishing pressure. Two boat ramps at Cedar Bluff and walleye anglers fish primarily from boats there; usually from March to May is major walleye activity. Visitation parallels with quality and abundance of walleye in the lake. Crux of the proposal is recent trends, 10-inch is abundant, but 18-inch and larger is not abundant; if we have good production and good survival those numbers should be parallel, but concerned with decline in larger fish. Cedar Bluff is a collection lake for walleye eggs for culture purposes and we have been doing that since 2006 and we keep size distribution data on walleye we are handling and declining trend goes back to 2010 and 2011. Catch of 21-inch or larger fish is lowest since doing the project and seeing declines of 18-inch fish, which is unsettling. Walleye in general, female reaches sexual maturity at 18 inches and males grow slower and if we are relying on natural production, jerking females out before they can spawn. Some people would argue that recruitment is the problem and that is why we are seeing declining trend, but we are seeing increasing number of fish, so annual recruitment is not a problem. Stocking doesn't appear to help, but from 2003 to the present had consistently good production of young walleye, above average since 2013. Others could argue fish are not growing fast enough. While they may grow slower than state average, growth rate is still acceptable. Over time growth hasn't really changed, so growth is not an issue. Heavy fishing pressure is the limiting factor on population and causing declining trends. One alternative would be to maintain 18-inch length limit; have big 2014 year class and is showing up now and everyone thinks the lake is loaded with walleye, but that is based on one year class. Those females are 18-19 inches, the length limit, and we are concerned that once those are gone; could see reduced abundance in fish, which will mean disgruntled anglers. Cedar Bluff is important for statewide management of walleye and if we are removing those larger fish, fewer females, fewer eggs in lake for hatchery production; that will impact negatively statewide. The only other alternative I have is moving to 21-inch minimum length limit and 2014 year class is a good place to start, protect them a little longer to 21 inches, which will improve resource to the angler and get one to two years of spawning in the wild to maximize reproductive potential. It will impact angler negatively and they will go elsewhere for awhile, but once population grows into that new minimum length limit that quality of fish will bring anglers back. We are trying to offer diversity of opportunities across the state and there are no 21-inch length limit lakes west of Salina. Cedar Bluff gives us the opportunity to protect the brood source, manage for a trophy lake and provide diversity in western part of state. If we implement it, realize this is under evaluation and will be scrutinized over next three to five years and if not performing it will not stay in effect. I have set some goals, want improve abundance of larger fish, through fall and spring samples; optimize breeding over longer term, continue to monitor young-of-the-year fish; and ultimately improve yield to the angler, total number of fish harvested will be similar to what it was at 18-inch length limit. The importance to statewide culture of walleye, collected eggs since 2006; annual goal 80-100 million eggs and on average we collect 51 million annually at Cedar Bluff and over 12 years we have collected half a billion eggs. On average Cedar Bluff yields over 50 percent to the statewide total and in recent years upwards of 70 percent. In summary, maintaining 18-inch is status quo and with continued fishing pressure, we will see declines in population. By implementing the 21-inch length limit we hope to improve size structure, quality of population and improve reproductive potential of the population. The 21-inch length limit is the best available option to maintain quality of Cedar Bluff population longer term, maintain its prominence and usefulness in terms of statewide walleye management. Unknown audience – How long does it take to go from 18-inch to 21-inch walleye? Spalsbury – One to two years. The thing I have seen with the walleye I have been aging is once they hit

sexual maturity growth slows down, it becomes variable. I had six-year-old fish that ranged in length from 18-24 inches. You have some slow growers and some quick growers. Commissioner Rider – Put goals and target out there, people will see that and people will know it's not a never-ending program. How long do you think we would need to keep 21-inch length limit? What are negatives you have heard? Spalsbury – As far as how long, keep it as long as it is functioning properly, as long as we are getting results and keeping average size fish up there; why go back? On the other hand, if production and recruitment of walleye is off the charts and start crowding themselves out and growth starts to slow, then we will nix it; but have not seen that in Kansas. Our populations are recruitment-limited versus growth-limited. Chairman Lauber – Strikes me as good science; sacrifice comes at the beginning of this program while the fish grow in. You can't help it if there is not another good year class to follow and makes sense that 2014 year class could be nurtured enough to provide more reward for the anglers. Spalsbury – It is meant to be a proactive step because we have seen declining trends for a while now and seeing fewer bigger fish than five years ago. Commissioner Rider – What are negatives? Spalsbury – Two types of walleye anglers out there; those who want to eat them and who want to take them home no matter what, and those who don't care about numbers, but want big fish. It is the folks who want to eat them that are complaining. They want slot limits to keep short walleye, they want us to stock fish even though we don't need to; they think if you dump more fish in they will get more fish faster. Walleye are important and valuable. Commissioner Rider – Are there other lakes close to Cedar Bluff that have 18-inch limit? Spalsbury – Yes, and even have some with 15-inch length limit, Webster, Horsethief Reservoir, Wilson and some small lakes in the area. That was my point, it will provide more diversity in western Kansas. Commissioner Cassidy – Had a lot of calls and emails on this; I agree, my answer to them is we have biologist who knows what he is doing and I want to fish with my grandkids in the future. I would support this, but originally was not going to, but other fisheries in the area to fish for smaller fish. We can check this in another year, not that big of price to pay for having good walleye fishing in Kansas. There complaint is that we get most of our eggs there and messing up area fisherman. Nygren – Daric Schneidwind is going to represent entire fish culture section and give you an update on what we are trying to do in the fish hatchery system.

Daric Schneidwind (Exhibit K) – Exciting how far we have come in such a short time. Unveiled Walleye Initiative in March 2016 and I talked to you about where the culture section was at and what some of historic trends were with walleye. Stockings of variety of sizes and troubles we have from body water to body water on recruitment and what type of fish each recruits. Unfortunately, we don't have a lot of Cedar Bluff's in the state, so hatchery system is important to provide those. Give you glimpse of where we are at and where we are headed and hopefully get your support to fully implement the initiative on a statewide basis with additional funding and positions to enhance walleye population and get number harvested up. Our goal is producing 43mm fingerlings, about 1½-inch fish; talk about methods used to culture walleye and increase production through larvaculture; intermediate production at Milford to Phase II feed training stage and through Phase III, grow out stage. The 43mm fingerling has been a goal since we decided to increase walleye opportunities; advantages are that they are fully scaled, handle better when harvest out of the ponds and stocked, and research indicates better recruitment and survival. Part of the problem with this goal is we can produce less and stock less fry to get them to this target size versus stocking more fry and harvesting a smaller fish, but worth it if better recruitment. New technology, we are doing in a couple facilities, Milford and Meade, is larvaculture. We are taking five-day-old fry and putting them in tanks, controlling their

environment and training them to eat an artificial diet. We do this through a variety of different techniques. We have micro-diet feeders that feed every five minutes of the day for 22 hours a day, we add turbidity to keep the water that keeps the fish from clinging to the sides of the tank and also helps keep them from predated on each other and we keep light level low. It is intensive and requires more man hours, but new technology; in infancy at small scale to show you what we can do before we ask to upgrade later to larger production scale. It takes seven days a week, around the clock care by someone who knows how to operate all of the sophisticated equipment. It is unique and exciting program. At Milford, we only raised two tanks in 2015, and four in 2016, but learned a lot first year. Our goal was to get 50 percent return this year, but we got 60 percent. In summary on larvaculture, more labor intensive, ready to scale up to increase production and there is the advantage of artificial diet in Phase II production. Before we installed new equipment inside the hatchery to filter our water, we were unable to train a predacious fish on an artificial diet because we couldn't preclude all the natural food from the water. Filter system was installed this winter and reverted to protocol developed for this program. It requires room to be dark with only in-tank lighting, 12 volt automotive bulbs and is the only source of light in this training time. We distribute food every five minutes for 21 hours, down to one gram at a shot. It is technical and relies on specialty equipment, and is labor intensive. Phase II is another 40-45 days of seven-days-a-week, taking care of fish and putting them through the protocol. It takes a lot of skilled people to do this and oversee it. Part of the problem with walleye is they like to eat each other, so nipping at each other and create disease problems because they remove slime layer, which is vector for external bacteria. We control this with a new chemical INAD administered by the U.S. Fish and Wildlife Service where we do data collection using this chemical so one day down the road that chemical can be used in intensive rearing of walleye, if familiar with Reward product, that is this, actually a herbicide. We start with fish that are about 500-800 to the pound and in about 40 days they are 50-75 to the pound when we move them out of Phase II. This was our pilot year in Phase II. See significant difference on return with larva culture fish. They are appropriately sized; there was a lot of growing pains with this first year and how critical the feeders are during week one, had issues with not the right amount of feed being dropped, feeders not working properly. During initial week was more detrimental to our pond fingerlings than it was to our larva culture fish. Ten years ago when we had filtration equipment we attempted to do this under different protocol and we would have been pleased with the 42 percent. Phase III portion is outside in raceways, fish are 75 mm or larger, grade to get uniform product to keep them from cannibalizing; maintain disease and parasite control; do weekly checks; and maintain water temperature for optimal health and growth. The initial goal of 20,000 intermediates at eight plus inches and four to the pound, we should meet this goal and be able to stock this fall. Fish growth: start at 6-7mm; mid-point 16 days at 2mm and at this phase training them to eat pellets; 48 days at end of larva culture is 43-55mm fish, 570 to the pound; at 71 days, top grade faster growing fish, typically 3½ to 4 inches when come out of phase II; currently in phase III, 125 days. Have a hard time killing these fish after so much is invested. Not growth limited, we are on southern range, 1½-inch fish in northern Canada is an entire year's growth, which is a two-year old equivalent fish to what we grew in 125 days; growth rates are phenomenal in this program, great potential for stocking option. We would like to have Commission's support of this initiative, it will take more people and more money, but production capabilities are there. Production capabilities are 75,000 to 100,000 8-inch fish each fall with full implementation. El Dorado, for example, only gets recruitment from stocking fingerlings, and we base stockings on a number of variables for each

impoundment and El Dorado and Cheney score high for walleye stocking. At El Dorado, 25 per acre is annual stocking of fingerlings, which is 200,000 walleye; if we stock three per acre intermediates instead, then I need 60,000 fingerlings to produce 24,000 intermediates, a savings of 140,000 fingerlings that we can move to other lakes. We don't have enough space to raise everything that is requested each year and smaller impoundments are taking brunt of our failures to produce enough. In Phase II and III we spent 300 hours this winter, getting prepped with new dark room and spent some money; spent 11.2 man hours in phase II every day. Feed is expensive, and part of the reason we need full-time people operating this because the better return on these fish the lower the cost per fish, 50 cents in each fish just in feed costs this year and it will be up to field staff to decide where the best place to put them is. Pilot study was to show what we could do if we were to go ahead and make this initiative a full-scale implementation. We have two different size tanks and larger tanks were superior, small tanks did a great job of raising the walleye, but I can replace two small tanks with one big tank and increase the stocking by over 4,000 fingerlings and it doesn't take any longer. Finally, look at survival standpoint when we start stocking intermediates; there is some research from other areas that indicate recruitment to the creel is closer to 50 percent with these larger fish being stocked. There will be period of evaluation of survival of these fish due to the cost. We took this on in addition to what we currently do; we would like to implement it on a larger scale, but we need to raise other fish too. We would like to extend an invitation, when you come up in January for Commission meeting, to come to hatchery for a tour to put this in perspective. See this as a positive thing for anglers of Kansas; what matters is the fish on the end of the line and there is a lot of potential. At Milford facility it is not going to take a huge investment to ramp up production, built for this type of fish culture and we are the only one with as much flexibility for water control, space and rearing units. If we go to 100,000 goal it will affect some other programs somewhat, but that can be shifted to other places, so we don't see a big reduction in other programs. Chairman Lauber – Pallid sturgeon? Schneidwind – We attempted to raise pallid sturgeon for the USFWS, because the Neosho hatchery was able to produce more eggs than they were able to culture up. Then they found out the genetics weren't correct and they didn't need the space anymore. Chairman Lauber – It costs 50 cents of feed to get to that size? Schneidwind – To get them to 8- to 10-inch size. Importance of getting good control over the program and bringing return up, will drive cost per fish down as we get our feet under us. Chairman Lauber – Fantastic program and excited about it. Nygren – Took time, but important topic. We are also hoping to build a recirculating aquaculture system at Meade, in the budget signed off on by the Governor, but need to come up with O&M and another person, only have two people out there and those are challenges. If we get new building at Meade it will be dedicated to raising walleye as well. This would allow us to stock 130,000 to 140,000 8-inch and larger walleye annually between Milford and Meade. Chairman Lauber – If able to do that, with 50 percent harvest ratio, you have equaled our total harvest right now. Nygren – Right, 80,000 a year is with current contingent of various length limits out there. Chairman Lauber – No one can argue with manifest goal of more and larger walleye.

C. Workshop Session

1. 2018 Turkey Regulations – Kent Fricke, wildlife biologist, presented this report to the Commission (Exhibit L). Discussing 115-25-5 and 6 for 2018 turkey seasons. For 2016 fall turkey season, open October 1 to January 31, 6,000 hunters harvested about 1,500 turkeys;

number harvest and number of hunters has been declining since 2003. The 2017 spring turkey season, open from April 1 to May 31 and included three seasons: youth/disabled, archery, and regular firearm; about 41,000 hunters harvested just over 30,000 turkeys with an overall success rate of about 51 percent and nonresidents made up about 39 percent of the spring hunters. You were provided a handout with production numbers from the July rural mail carriers survey (Exhibit M). From those numbers and long-term trends, production appears to be remaining stable over last couple of years, but consistently low throughout the state. Declining 10-year trends are being seen in the northwest, southwest, southcentral and northeast units. Low production is likely contributed to declines in overall turkey abundance throughout the state. The data indicates declines up to 50 percent of adult turkeys from spring surveys across northern Kansas. The department utilizes an adaptive harvest management strategy to guide staff recommendations on wild turkey permit allotments during both spring and fall seasons. The strategy aims to maintain a high hunter success in each hunt unit while maintaining relatively high populations. The strategy provides a consistent and transparent method of developing staff recommendations and includes a hierarchy of regulation packages for both spring and fall season and established triggers for when and how changes to bag limits will be recommended. An analysis of the spring 2017 harvest data revealed that four of the six units have experienced resident hunter success below the thresholds of the strategy for the last two spring seasons, in northwest, northeast, southcentral and southeast portions of the state. While this decrease in hunter success activated a management trigger to suspend the fall season in those units, staff has decided to recommend no changes to the season structure for the 2018 turkey seasons. The strategy has been in place now for seven years and includes data for the last 13 hunting seasons. Given current trends in hunting success, decision thresholds and population indices, staff would like to take this opportunity to reassess the harvest strategy in the coming year and we will present relevant changes to strategy to the Commission prior to the development of the 2019 turkey regulations. Chairman Lauber – On mail carrier survey, southeast area, it almost doubled from year to year, but I am reading that right? Fricke – Correct, from very small to not as small.

2. Park Regulations – Linda Lanterman, Parks Division director, presented this report to the Commission (Exhibit N), Talking about regulation 115-2-3; last time I presented an increase to seasonal camping at El Dorado State Park in which they have one, two and three utilities; either electrical, electrical and water or electrical, water and sewer. In addition to a seasonal camping fee an individual has to purchase an annual camp. If they get it before the end of March it is \$200. If they get it after March it is \$250. This program only runs March through November and we can renew them monthly. I proposed to increased El Dorado by \$25. I also added, because we just received utility costs for fiscal year and after reviewing them, I would also like to raise Clinton's, too. Clinton is at capacity and El Dorado is not. If you recall, we have a private campground close to El Dorado and that is one of the reasons we were looking at this to try and stay over competition of private sector, so they can still make good living with their fees. Clinton State Park is at capacity and we have a waiting list and they are at lower fee of seasonal camping program. Typically, all the state parks, except a few, were \$40 above that and Clinton was at lowest fee and their utility fees have increased significantly, so we felt we should put them at higher rate; they wouldn't be as high as El Dorado's this go-round, but at higher rate like Tuttle Creek and Milford. El Dorado will be above that \$25 more.

3. Private Owned Cabin Permit Fees – Steve Adams, special assistant, presented this

update to the Commission (Exhibit O). KAR 115-2-6 sets the permit fee charged for privately owned cabins and related facilities on public lands; at three locations in particular on Bureau of Reclamation (BOR) property under lease to the department. The department renewed our master lease with BOR for all of the lakes in northwest Kansas earlier this year; including Lovewell, Webster, Glen Elder, Sebelius, Cedar Bluff and also the fisheries management only at Kirwin. All others listed activities related to park and public lands operations. At three of those locations, Webster, Lovewell and Cedar Bluff, there are private cabins on public lands on property owned by BOR. Those cabin permits are permitted under an annual payment permit and those are for 5-year periods. The new master lease is for a period of 25-years and as a consequence of the new lease, the department was required, under federal regulation, to update the price structure for those private structures and required to charge what would be deemed fair market value. BOR contracted with another entity to undertake an evaluation study for appraisal to establish those values. The current structure of KAR 115-2-6 does not reflect those prices and that is why we will be approaching the Commission at the next meeting to act on updating that regulation. The department has decided the new rates would be phased in over a period of five years because this is a significant change for the cabin owners and in order to keep those prices at a current value as the regulation states. On a five-year cycle, the future of those permit fees would be indexed to the consumer price index. Chairman Lauber – About what would that run per cabin? Adams – Currently or proposed? Chairman Lauber – Proposed? Adams – The proposed fees are site specific; two cabin areas at Cedar Bluff with slightly different prices, eight at Webster and a cabin area at Lovewell and in addition at Lovewell there are 56 mobile homes or trailer lot sites. The prices range from \$1,250 per year for trailer sites at Lovewell and the rest of them in general range between \$2,200 and \$2,500 per year at the other locations. Chairman Lauber – What are they now? Adams – Currently the average across all locations for the cabin sites is \$274 per year and trailers are paying about \$500 a year. Chairman Lauber – You will be popular. Secretary Jennison – It is not us, it is BOR. We have discussed this extensively with them, we felt it was a large increase and we encouraged them not to go that high. They, under federal law passed by Congress, requires them to do this based on the market. We asked them to do two things, phase it in and they did and asked them to have public meetings and they did that. There was a lot of concern from private cabin owners. We, and cabin owners, communicated with congressional delegation because we felt we had no ability to influence BOR. The only ones who do are the congressional delegation, so we encouraged congressional delegation to go to these meetings; Senator Roberts, Senator Moran and Congressman Marshall had people at the meetings. There, folks got the full impact of what BOR was proposing and have heard nothing since those public meetings, so we have to move forward. Chairman Lauber – I don't have a problem with it, but when a big increase it is a problem. It has probably been too cheap for too long. Secretary Jennison – It has, cost of living is not a new thing, it was implemented at very beginning of these and if that would have taken place since the beginning of those private leases, they would have been right under \$1,000 at Cedar Bluff, just with CPI and no market adjustment. Even the cabin owners admitted they were underpriced, it is just to go from \$200 to \$2,450 got their attention and that is the challenge. Commissioner Cassidy – Can they sell their cabins? Adams – They can. Secretary Jennison – Another problem with BOR, which we were not able to address, is restriction of cabin owner being able to change the footprint of their cabin and challenge that creates for the cabin owners and unfair. You have a cabin owner who may have built an A-frame cabin and has never changed it and then you have a cabin owner who has over time had the opportunity to add onto the cabin; might have from 600 to 1,500 square foot cabins; ability to

sell larger cabin is significantly better, but paying same price of \$2,450 a year. Not successful in getting that changed, but made the best case for cabin owners we could. Commissioner Cassidy – Doing in Nebraska as well? Secretary Jennison – Attempted to do this; did out west where it wasn't a state that had it, but a local area that had it and that made it through; attempted in South Dakota and there were some modifications to that one. As these renewals come up they are attempting to address this. Terry, when was legislation passed? Terry Bruce – Original federal law was passed in 1982, abided by since 1999. Had lease with BOR for last 50 years, so previous regulations never bothered us. Secretary Jennison - Now our lease is up and those changes affect us. It will happen to everybody who has BOR facilities. Commissioner Hayzlett – What happens if they can't sell it or afford it and walk away from it, does it become BOR property? Adams – Terms of the agreement would require them to remove their property in a specific amount of time. Commissioner Hayzlett – An expense either way you look at it. Chairman Lauber – I'm sure that is in their initial contract.

4. Boating Registration Fees – Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission (Exhibit P). Chris talked about this earlier in legislative discussion, and one of those initiatives was to increase the cap on boating registration fees. We were at that cap and the last time it was raised was in 2006. At that time we removed the length categories, we had \$21 registration fee for a boat 16 feet or less and had a fee of \$26 for boats longer than 16 feet. The justification of the committee was all boats are using same facilities and having the same impact and there wasn't a good reason to have different categories. The current vessel registration fee is \$30 for a three-year registration, effectively \$10 a year. All money goes into boating fee fund, which is used for boating education, boating enforcement, navigational aids, search and rescue and matching funds to capture Wildlife and Sport Fish Restoration money that is used for boating access and helps us capture grants from the U.S. Coast Guard. That is what we are running into now, not having enough money in the boating fee fund to capture some of the grants we would like to and that is why we are coming before you with recommendation to increase this fee. SB 26 raised cap to \$60, our recommendation is to raise the fee for a three-year registration to \$40, an increase of about \$3.30 a year, a \$10 increase for three years. We have a little under 100,000 boats registered in the state, and on three-year cycle, we register about 32,000 boats per year when they come up for renewal. We would be looking to adding about \$100,000 a year to that boating fee fund with this increase. Commissioner Cross – You said \$40 for three years? Miller – Correct.

5. Fees and Licenses – Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission (Exhibit Q). We talked about his before; looking to move to a 365-day license. Annual licenses wouldn't expire December 31, but rather would expire one year from date purchased. This came out of a committee looking at other auto- or early-renewals and some other changes to the way we do licensing. We are still pursuing auto-renewal and working with Active to get that implemented, hopefully by 2018 where people will be able to voluntarily check, on certain annual licenses, to automatically renew every year. We decided, for customer service and for various marketing strategies, the 365-day license makes a lot of sense. It is better for the buyer and also when we were looking at ways to reduce churn, decided last two weeks of December it is a hard time to market because of Christmas and other things. We would ask for email addresses to send out reminders because this would be a big change when licenses expire, but also give us opportunity to do some marketing. We are

looking at hopefully implementing some promotion code items, where you buy a certain number of issuances at one time you would get a discount; may also look at early renewal discount; all designed to reduce churn and encourage people to buy licenses rather than wait until the last minute. Chairman Lauber – Churn is economic or marketing term of non-renewal? Miller – When we look at churn we look at people, any given year doesn't give you an accurate count of hunters or anglers in the state because a large number may be only buy a license two out of three years, or three out of five years; they don't automatically buy a license every year. We have made it so convenient where they can go online and buy it the day before they go, they can wait and see what the weather is like or wait and see what time looks like so we do see churn. Any given year we only have a percentage of our hunters and anglers that have permits or licenses that year and we would like to find ways to increase that number and some of that is through marketing, some through convenience and through promotion codes. Chairman Lauber – I think most consumers would perceive it as a better bargain. Miller – Yes, and I have had people ask me that, especially students who are strapped for cash and want to buy a license in November to hunt pheasants and it expires in a month and a half. The only answer you can give them is it is just the way it has always been. Bargain for customers and something we should pursue. Commissioner Cross – Have a lot of other states went to this? Miller – Oklahoma and Georgia have it and other states have gone to it. We think it is confusing, if you look at Oklahoma they have two different prices, a calendar license was different than a 365-day license which was more expensive. The committee thought, to make it simpler, we would just go to 365-day. What is listed in briefing is not complete list of permits or licenses we would consider. It is more extensive than that. We went through our entire issuances and found any of the annual licenses or five-year or those types of licenses, we would like to offer a certain number of days from date of purchase to expire. Commissioner Cassidy – What does law enforcement think of that? Miller – No issues, Mark Rankin has been on that committee. Commissioner Rider – Where are we on electronic licenses? Miller – As far as having license on your phone? Commissioner Rider – Yes. Miller – That is something we would all like to see down the road and we have seen some other states go to that. I think some of the legislation Chris helped us pass this year would allow us to that; something we would have to work with law enforcement and our licensing section on. Everybody would like to see the convenience of that. I was able to take advantage of that in Missouri when I bought a one-day permit fishing license and I had a pdf on my phone, I didn't have to print anything out and was a nice convenience.

6. Threatened and Endangered Species Regulations – Chris Berens, environmental services chief, presented this report to the Commission (Exhibit R). Not a whole lot to update you on. We are still in 90-day comment period and this is the last workshop session for those so you will be voting on them in November. Tymeson – Because of the inability to hold the meeting in October and the fact that we had already published I have to republish these two regulations so we will actually vote in January.

VII. RECESS AT 4:49 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, Haven – I sent 21 emails and texts over last two months, two individuals responded, Commissioners Ward and Rider. I have done thousands of hours of research and over 40 hours of phone calls (*Played conversations between himself and LA captain of Wildlife and Park; KY officer; Stacy Campbell, USFWS Migratory Game Bird Division, Loveland, CO; Dan Coil, USFWS agent on my case; and Kevin Jones*). Chairman Lauber – Ryan? Warden – We are going to try and keep it short. Chairman Lauber – Not doing a good job. Warden – We are because I have hundreds of hours of making people of Kansas look like idiots. Chairman Lauber – That is your opinion. Warden – Fact, two other outfitters last week got a combined total of 17 years of no hunting and \$25,000 in fines because we are not educating them. Chairman Lauber – What do you want us to do? Warden – I want you to put something in the regulations that talks about tagging and what you need to do. Does that have anything to do with the fact that you sell tags as your business now? Warden – Don't care if I sell tags or not. Chairman Lauber – Do you sell tags? Warden – I do. Chairman Lauber – Would you economically benefit if we follow your recommendations? Warden – I do. But, did I go before a federal judge and tell her the state of Kansas is not doing anything about it so I will, yes I did. I will postpone the sale of tags for two years if you will educate people. It doesn't have anything to do with financial gain, it has to do with outfitters being charged and can't hunt, fish or trap for five years; because baiting is not a felony, and over-the-limit is not a felony, but a tagging violation is a felony. What I am asking you; I spent thousands of hours reading indictments and I have three more things for you to listen to and a few questions and that is it. I know you don't want to sit here and listen to me because I can tell by the response I get from you when I email you or text you; which is none. I understand, but that is part of your job. Chairman Lauber – Also, part of my job is not allow meetings to get hijacked by special interests and you are the only person in the state that has made these kinds of complaints. You got arrested for several charges and I am guessing most of the charges that were felonious were wide and varied and this is one that is a gray area. When in violation of a whole lot of stuff, they start tacking on items and you got tacked on with tagging and suddenly the more you focused on the fact you didn't know you were tagging, then all the other things you plead guilty to and were charged with surely isn't your fault either. I don't buy that. Warden – Nobody is asking if you buy it or not, what I am asking is if you don't know you are committing a felony and charged with it and have to enter a plea, do you think that is fair or not? Chairman Lauber – I don't know how to respond because these are federal regulations. Warden – But you have to mirror those federal regulations. Chairman Lauber – And we do. Warden – You don't. Tymeson – I took a look at the federal law yesterday and what we post in our regulation summary and they are verbatim. This is an interpretation issue and so I looked at the case law yesterday also. There are four published cases out there that deal with tagging. There is one in particular, but essentially what you stated is that it is the best practice to tag and separate, but tagging is not required under four circumstances listed in the regulation. What our recommendation is to continue on posting verbatim what the federal regulation is in our regulation summary. Warden – When I spoke to you on Monday, did you think separation was a law? Tymeson – No, separation is not the law. Warden – I am going to agree with you on this statement, but ask you, do you think separation is a law now? Tymeson – No. Warden – I agree with you 100 percent. So when you don't separate your birds, what ticket are they going to write you? Tymeson – You said, tagging is a felony, which it is not, tagging is a misdemeanor, it is the Lacey Act violation when it is a commercial activity for \$350, that is when the activity becomes a felony. Baiting could be

a felony offense if it was engaged in commercial activity over \$350; it is a misdemeanor just like tagging, but when you add the commercial element, under the Lacey Act, just like shooting a deer. Warden – I will agree to disagree. Tymeson – When you add the commercial aspect of it and the dollar amount is over \$350 that is when they can charge you with a Lacey Act felony. Right? Warden – Correct. Tymeson - What we deal with is misdemeanor stuff that we talk about in our regulations, sometimes just like theft, if you steal over \$1,000. Warden – We talked about this Monday on the phone. Tymeson – There is a \$1,000 threshold and if you are stealing and it becomes a felony, you know that stealing is wrong, just like you know certain activities are wrong. Warden – Everyone knows stealing is illegal, but I don't think everyone in this room knows not tagging your waterfowl is illegal. Tymeson – It is only required in four circumstances. Warden – Is separation required in all circumstances? Tymeson – It doesn't say you have to separate. Warden – Did you call Stacy Campbell? Tymeson - No, I did not, I didn't have time yesterday. Warden – Humor me and you won't have to see me again (*played more tape, Jones and Campbell*). He said, hope they will stay out of trouble because they listened to me and I have a group of guys right here who won't (*more tape*). He said, you don't have to put anything in your regulations, but he would hope you should. I know you hate for me to stand up here and talk about it, but you have to realize it affected a big part of my life. I know you think I am just here to benefit from it, but I am not because I sell more tags out of the state of Kansas and I still work a regular job. The problem is there are young guys, two guys in last 30 days that got in trouble, both have kids under the age of 8 and between the two of them have 17 years with no hunting in Kansas. I realize there is other stuff pending on those cases and stuff pending on my case. But I am here to tell you I hired one of the best lawyers in the U.S. and tagging is a felony punishable by up to five years in prison and up to \$15,000 in fines. You cannot argue that fact. Chairman Lauber – These other two people with the 17 years of no hunting, are guides and outfitters too? Warden – They are. But when you have a special agent telling you on a recording it is the number one violation written to hunters. What does that mean to you? You obviously hadn't heard of it before I showed up to Pratt and neither had anybody else. I agree with Chris 100 percent that there is no law that says separation; when you listen to tape you will hear me ask Agent Campbell, when they are not separated in the back, what are you going to write that under, and he says you could write it under possession, transporting untagged birds or whatever, there is too much gray area. Chairman Lauber – One could assume that Campbell might be talking to you as an outfitter and guide, not as an ordinary sportsman. Warden – He knows who I am, if you go back and listen he refers to me as my hunters, he figures it out at the end over the course of time. But you think a U.S. federal fish and game guy from migratory game bird division is going to endorse my tags when you're not? No, absolutely not. Commissioner Williams – You were in business as an outfitter? Warden – I was, yes. Commissioner Williams – And people recently charged were outfitters? Warden – Correct. Commissioner Williams – There bears some responsibility on behalf of anyone that wants to start up a business or becomes a business to comply with both federal and state regulations. In doing so, the best advice I can give you, or anyone else that has started up this kind of business is to hire counsel and pay them to research, what you and other people have found out the hard way. Instead of running into these violations, because that is what they are going to continue to do, regardless of what the state has posted on our regulations about it. It is a good idea to research that and that is where counsel comes in, but there bears responsibility of that individual, not the state or the Commission for the ignorance of the law. Warden – My question is, when they call Kevin Jones or whoever takes his place, or call state of Kansas to ask them the laws, what are they going to

respond? Commissioner Williams – They are probably going to tell you what the state law is unless you specifically ask about the federal laws, I am speaking from me, not on behalf of Wildlife, Parks and Tourism. Again, that responsibility is for you to find out and my advice is to hire counsel to research that. Chairman Lauber – We fulfill our obligation to the sportsmen. Warden – A couple things. The legislature took away commercial guide licenses and I know you can't control it and I am on your side on that, a 17-year-old in high school can decide he wants to be an outfitter. I understand your position on legal counsel, but who are you going to hire to advise you. I talked to Chris and I like him, I like all of you guys, I called Chris on Monday and talked to him and he said, he didn't think you had to have the birds separated in the back of the vehicle. Chairman Lauber – You are playing someone else's opinion. Warden - It is not an opinion when the federal government is coming in and charging us. Chairman Lauber – We spend about 30 minutes on this and if you are done; you said you wanted to cover a few more things and you did. I believe we fulfill our obligation and I am not going to play games. What you want to do is to come up with some angle to try and depreciate the other things you got popped for. Warden – One bird over the limit because the dog retrieved it to the other guy and I forgot to count it and shooting off the bed of a motor vehicle that was stopped in the middle of a field. Chairman Lauber – Then it sounds like a miscarriage of justice, but you didn't get it from us. Warden – But your agency was involved in it and your lack of educating the public is the reason I went for 30 years of my life and didn't know anything about it. Chairman Lauber – The same courts that you are angry with also are available to address your grievances against us, but there is nothing else I can do. Warden – Do you think tagging and separation is in best interest of the hunter? Chairman Lauber – Maybe. Warden – Yes or no? Chairman Lauber – I don't have to give you a yes or no. Warden – So what are you going to tell the public? Maybe? Any you think that is an adequate answer? I have been to three meetings and sent you guys 21 different messages. Chairman Lauber – It seems more than that. Warden – I know and I am going to be right here, I am not going anywhere. I know you think it is business driven, but it is not. They pissed off the wrong guy. Chairman Lauber – Yes, it is partly business driven, but you have a grievance on an injustice that you want us to fix. And you want us to fix by either you agreeing with me or I will stand up here and take away your meeting time. Warden – It isn't your meeting time, you are here for the public. Chairman Lauber – And the public may have some more things to say, but right now I don't see anybody in the public but you and this issue is you. Warden – Back to my question. Do you think it is in the best interest of hunter or outfitter to separate and tag birds? Chairman Lauber – I don't know, I rely on counsel, I don't make recommendations. Tymeson – I think we have discussed this. It would be a best practice, but not required under the law. Four instances where tagging is required. Warden – What are they? Tymeson – You know the law, I know you researched it. It is when you leave it, not at your personal abode; when you leave it for storage; take to a taxidermist; and in the custody of another for picking, cleaning, or transportation. Warden – My last question. Do you need clear separation? Tymeson – Regulation does not require separation. Warden – If me and you go hunting and get in my truck and we throw 57 snow geese in the back, do I need to separate your pile from mine? Tymeson – The regulations do not require separation. Is it a best practice, I think it would behoove you to separate and tag. Warden – I agree with you that the regulations do not say anything about separation. Chairman Lauber – I am going to count that as an answer. Warden – And you should. And when you ask the federal government, they will say they are going to write it under possession or tagging or transporting them. Chairman Lauber – Maybe you should invite the federal government to come to one of these meetings and we will give him 30 minutes to talk

about it. Warden – Okay and I hope you have more respect for him than you did for me.

B. General Discussion (continued)

5. Cheney State Park Presentation - Mike Satterlee, Cheney State Park manager presented this update to the Commission (Exhibit S). Thank you to Ninnescah Sailing Association for letting us have the meeting here and appreciate having the Commission here in the park. I also manage Sand Hills State Park at Hutchinson. It is a brand new park built a couple of years ago. It has 64 total sites, 44 with water, sewer and electric; 20 with water and electric; 15 sites with horse corrals, which is significant because that is what that park is about. We have 15 miles of trails where you can ride horses, hike or bike; 1,123 acres of sand dunes, native prairie, wetlands and woodlands where the trails are all located. The park's big draw is the horse trails. We host the North American Trial Ride Conference each year, a competition that lasts three days, it is not a speed thing, but has technical aspect that each rider is rated on. One of our big draws is the Kansas State Fair, when the 64 sites will fill up or at least be 95 percent full at that time. It's a nice opportunity get away from hustle and bustle of fair and to sit outside and not hear sirens and vehicles. We also offer deer and upland bird hunting by special permit. Cheney is located 20 miles west of Wichita and 25 miles south of Hutchinson and has two sides to the park, the east shore on the other side and the west shore area where you are today. Since completion in 1964, the park has grown to 1,900 land acres, with 229 utility sites that have water and electric; 450 designated non-utility sites and a couple areas where there is no designated area where you can camp; 10 shower houses; 27 shelters; 22 boat ramps and five courtesy docks; nine cabins; and three trails making up about five miles hiking. Visitation and revenue numbers, in 2015 visitation is higher, but revenue was lower because there was no store in 2015 so higher number because we believe people were coming in and out of the park to go to the store. In 2017, figures are for the first six months only and are a little under last year at this time. With reservations system, it is hard to tell how good of December you will have because we open up reservations the third week of December for the following year and we get a huge rush of reservations. If weather continues to cooperate and we have an easy fall; hopefully have good fall numbers. Cheney is one of the top sailing lakes in country and the Ninnescah Sailing Association hold a lot of sailing events here; sailing clinics for youth and will teach people how to sail, and this building hosts special events all year long. All state parks host special events; our OK Kids day pulls in 100-150 kids and their families and we set them up with archery and fishing clinics and it is a free entrance day; we provide lunch and it gets bigger each year. The Rage Against the Chain Ring Bike Race we have had for two years. It is 25 or 50 mile gravel bike race and last year had 170 riders. It starts in east shore area, heads north out into the country and the finish line is back in the park. Honey Badger 100 Mile Ultra Road Race takes place weekend after 4th of July, roads in Kingman County, 17 runners this last year and only one did not make it after the cut off, with top runner doing it in about 17 hours. Teamed up with McPherson College this last year and had a professor come out and do a Spider Walk; did program on spiders with 60 people and after dark took flashlights and looked for spiders in the grass. Special events get people out to our parks and hopefully they see something they like and keep coming back. New is O'Brien's Marina, which opened last year in July, so we now have store again. Also, just outside the park is West Side bait shop and beer. Now instead of running to town to spend dollars they are spending them here. The new fuel dock went in and working on future boat slip rentals. Tearing out the old marina; and new store is attractive and looks nice from outside and inside. Future projects

include Lakeview Campground, on east shore area right up from marina, done in partnership with BOR, we took out 20 existing sites with 20 amp electricity and water; replace with 10-12 new concrete pads with 50 amp full hook ups (water, sewer and electric); a whole renovation of the whole area. New sites will be angled 45-50 degrees; will put in new road, will not be pull through sites. Right across from new campsite we will have three new cabins, with the Friends of Cheney Lake; they will be similar to the two-bedroom cabin we have; east side of the lake has never had anything like this. All of the cabins are rented each weekend. Our Friends Group owns our cabins her and through cooperation with KDWPT engineering and parks we will put the new cabins in. East side has never had anything like this and west side cabins are full every weekend from March to November; also there is a different clientele on east side of the lake. There are toadstool shelters over there, one for each of the new cabins. These renovations will allow us to give infrastructure much needed upgrade, existing facilities may not be able to handle bigger campers. Hope to get an archery range, and we are working with Pratt on that. Also, met with Lake Association and hope to add 18-hole disk golf course. Proud of partner groups: Ninnescah Sailing Association, Friends of Cheney Lake, Cheney Lake Association and O'Brien's Marina. Warden – You got 20-30 minutes uninterrupted, do I need to do a PowerPoint to get that? Satterlee – That is up to you.

C. Workshop Session (continued)

7. Fishing Regulations – Doug Nygren, Fisheries Division director, presented this report to the Commission (Exhibit T). Final workshop before hearing on regulation changes for next year. Reference document is special length and creel limits not covered in statewide regulation. First one is Milford Reservoir – add a 25- to 40-inch slot length limit and no more than 1/day over 40 inches on blue catfish. On Glen Elder proposing 21-inch minimum length limit on smallmouth bass. Cedar Bluff Reservoir, you saw demonstration Dave gave on proposal for 21-inch minimum length limit on walleye and 10-inch minimum length limit on crappie. Marion Reservoir is asking to change to a 20/day creel limit on crappie. These creel changes to 20/day are really not designed to carry crappie over from one year to the next, but designed to spread the crappie harvest out to more anglers within a given fishing season. El Dorado Reservoir, 20/day creel on crappie. Tuttle Creek Reservoir, implement 35-inch length limit on blue catfish where we have a developing population we want to protect. Liberal Arkalon Recreation Area, there was an issue with KDHE concerned about the consumption of fish in those lakes due to water coming in from the City sewage treatment facility. It is treated water, but nonetheless they asked for us to make that a catch and release only area with no consumption of any fish caught there. We also are making some changes in the statewide regulations on wipers and striped bass, a change in special regulations 2/day limit striped bass on Cheney, Glen Elder, LaCygne Reservoir, Pleasanton City Lake East; and a host of lakes on 2/day daily creel on wipers. Commissioner Rider – Are you going to go into more detail about Milford? Nygren – I provided a handout (Exhibit U) and I asked Chuck Bever, Regional Supervisor, and John Reinke to put together some details for us. This is very similar to what Dave did and is a summary of what is going on. The Commission was approached by local fisherman with concerns on the decline in larger blue catfish. Proposal was put together by John Reinke; first objective is going to be to increase the number and overall size of larger blue catfish caught back to historic levels. The feeling is we are not where we were before because of increased popularity. There is a strong catch and release ethic by local anglers, but some are more harvest oriented. Proposal is to replace the current five

creel and no length limit; to protect and enhance this big game fish, over 50 pounds, and hope to see fish bigger than that. Limited data on bigger fish; do great job of sampling smaller catfish through electrofishing. I looked at all blue catfish data collected statewide and only found three times we caught over 40-inch fish in biologist sampling, our gear just doesn't catch those bigger fish and we are trying to figure out a better way to sample the large fish, so rely on angler catches and surveys to document those. In Oklahoma, only one percent of their blue catfish samples is 30 inches, but in angler catches eight percent in blue catfish. Other states have same issue as us, not really great data on really big fish. We chose 40 inches, famous fisheries biologist Don Gablehouse, because he came up with stock categorization system that fisheries biologists use nationwide to analyze fish stocks; he came up with stock size, quality, preferred and trophy-size fish based on percentage of world record length. In the Gablehouse system the trophy size for blue catfish is 40 inches. A 40-inch fish can weigh over 40 pounds at Milford, nationwide average is 30 pounds; a big fish. Because of lack of data, we want to error on side of conservatism in protecting this resource. Looking at better methods for sampling those and will be talking to more anglers and those catching them through creel surveys. And we are looking at a new technique running jug lines or floatlines to sample blue catfish, had success at Wilson Reservoir on a trial run on that. We are monitoring catfish tournaments, electrofishing, and standardized gill netting. We are committed to evaluating what will go on if we implement this regulation. Objective number two is to allow for the continued angler harvest of blue catfish. We are proposing to split creel from combination 10/day for blue and channel catfish to split those species out. If this proposal goes through somebody fishing at Milford could have 10 channel catfish and five blue catfish, but only one could be over 40 inches, and would have to release any in the slot of 25-40 inches. That will still allow angler to bring a lot of catfish home. We have a good number of blue, recruitment is good, we stocked the lake for over eight years and started seeing natural reproduction, making this a good candidate lake for slot length limit; need good recruitment and good angling pressure and allows harvest of smaller fish will free up food for fish in the slot to make sure they will continue to grow. Evaluation on objective number two will be monitoring the population under 25 inches, do age and growth monitoring to be sure not stunting out. Objective number 3, protect the blue catfish broodstock to maintain this self-sustaining quality population. We haven't had to stock the lake for years, want to make sure we don't deplete larger fish and continue to have good natural reproduction. Proposed action will utilize no harvest slot length limit. Basically, his reasoning is, even though sexually mature blue catfish have been documented at the smallest at 22 inches, anglers have been known to harvest at 15-inch and the proposed length limit will protect most of the blue catfish when they become sexually mature. Evaluation on objective three will be monitoring the population in the slot and hope new techniques will help us with that; also use electrofishing, test netting, creel surveys, jug sampling and angler diaries. Want to put this in place and evaluate over a five-year period, if it doesn't reach its objectives we will reconsider and go in a different direction. At Milford a 25-inch fish weighs 7 pounds, at 35 inches that fish weighs 20-34 pounds, at 40 inches, 32-42 pounds, and largest fish we sampled was 44 inches and weighed 51 pounds and anglers have caught some bigger than that. Appreciate Chuck and John putting that handout together. Jack Dohrman – Talked to Doug on the phone and discussed Milford proposal. Thank Chairman for giving us the time to come here. Number one thing I will reiterate to you, in talking to Doug, not much opposition to proposal at hand. I want to represent the public that I have talked to, around 40 people around the state. I was getting same response that a lot of these people are not happy with this, encourage you to have a survey because several people I talked to said they

wouldn't be going back to Milford if this is passed. I have a camper at Wakefield, costs me \$2,000 to keep it there for 8 months and friends go with me and we bring home a lot of big catfish and we feed a lot of people. I won't go back if can't bring home some big fish. I caught a 44-inch fish and brother got a 38-inch, those big fish are in there. We have a lot of fish fry's in community. Doug said he didn't have any opposition to this, but a lot of people not going back. I did talk to a few people who were on the other side who thought you should release the big fish. On Milford Lake, don't know if you can hold any more blue catfish and have walleye survive. Mike Knoblock – Being an engineer I try to look at the big picture and take into consideration everything to arrive at reasonable, logical solution for any situation or problem or you may fall victim to tunnel vision. In May of this year was at Milford fishing from bank with rod and reel and talked to another angler who lived at Wakefield for 33 years who has fished the lake continually; he said he used to catch nice channel catfish, but only blues now. I thought about that, been fishing for 7-8 years and seeing the same thing, earlier caught channels and now only blues. Is there decline in population of channel catfish and if so, why? Creel is 10 on channel catfish and five on blues; is it possible proliferation of blues is contributing to decline of other species? If so, maybe we are barking up the wrong tree, maybe not a good idea to screw down regulations on catching blue catfish. We believe it should be the desire and goal to maintain healthy balance of all species and not let one species dominate a lake and decimate other species by over consuming food supply and by eating the young ones. If healthy balance of all game fish species that benefits all people and lets them pursue whatever their favorite is with reasonable expectation of success. I don't know if biologists have addressed that question or not, I hope they have.

Marvin Dohrman – Agree with Mike, fishing Milford 10-12 years, can remember going out and fishing in the spring with worms and catching channel cats, an occasional blue cat, walleye and white bass; can't hardly catch anything on worms anymore. I can't tell you the last time I caught a white bass or a walleye fishing from the shore and seldom catch a channel catfish there. Every year since blue catfish has come in getting bigger and more of them. Not just talking about me, but 10 other guys say the same thing, bigger and better every year. Five years ago, if caught a limit of blue cat maybe only happened once or twice, now every time I go up there can catch limit if they are biting. My major was wildlife biology at college, but went into teaching so I understand carrying capacity and limiting factor, the blue cat could be limiting factor in regard to all of the other species. Fish under seven pounds that we have caught this year have been poor; the lower end isn't getting food, especially early before shad population comes on; there are some things going on. We would entertain keeping it the way it is or allow keeping one or two within that slot; you want kids to fish and buy licenses; got grandkids that some want to go fishing, but some want to just play games. If I take my grandson up there, he is 7 years old, if he catches 10-pounder and he has to throw it back, that is not good, but if you put one or two in the slot that you can keep you aren't limiting that. I know you were stocking the lake to begin with, used to fish up past Clay Center on the river, before they got to be got 20 pounders, there were fish spawning, now all of a sudden we don't have enough fish to spawn. It would be a shame to take your grandchild and they can't keep fish to eat, saw couple with kids fishing and they caught 10-12 pound fish and they were excited; that is enough for a meal. One end of spectrum wants to catch nothing but big fish every time, but other end that wants to take kids or get a meal. Give it consideration, that is all we are asking.

Shawn James – I fish Milford all the time and am on the other end of the spectrum, they catch more fish than me. I fish from a boat and I have noticed through the years that the big fish have

declined. I am an avid tournament fisherman and tournament standings also show that and weights are less. Three or four years ago, an 82-pounder was caught and if they are growing like people are saying, why hasn't record been broken? Not catching amount of big fish we were in past years. Commissioner Cassidy – Catching any channel catfish? James – Yes, but not as many, but can go to certain areas and catch channels, whites, crappie and abundance of shad. Haven't seen declines in weights, they said smaller fish are not looking as healthy, but I haven't seen that. Commissioner Cassidy – Doug, do we know if blue cat is predator to channel catfish? Nygren - We do know when blue catfish become established they will ultimately dominate, that has happened in Oklahoma. Most important thing to consider is most anglers would rather catch a blue than a channel, blue catfish are really popular.

Chase Smith, Concordia – (Handout - Exhibit V). There was some opposition of slot limit and people asked why not 35 inches instead of 40, but if you do that it opens up a huge slot of fish to harvest. At Melvern you can't weigh in fish under 35 inches and they range from 19-26 pounds and we have established a 40-inch fish is about 40 pounds. Changing slot limit five inches opens up a 20 pound limit. Blue cats grow slow, but once they reach 35 inches they quit adding length as quick as they do weight. That is the reason we are asking for 40 inches. I have included charts and dates from last couple of years of tournaments at Milford and if open that to 35 rather than 40 makes a lot of fish open to harvest. We have been to a couple of meetings and we were asked where we rank in the nation, as far as blue catfish, and consensus is that Milford is number six in as far as reservoirs; Buggs Island in Virginia, Wheeler Lake in Alabama, Tawakoni Lake in Texas, Santee Cooper in South Carolina, Texoma, then Milford. What is interesting about those numbers is Milford is only 15,000 acres, the next smallest lake on that list is 37,000 acres and the biggest is 110,000 acres. That is why we need to protect them. Chairman Lauber – Is it your opinion that the number of large fish are declining? Smith – Really large fish are not declining, but the number of fish from 20-40 pounds are declining. I agree each year the fish are getting bigger, I don't keep anything over 10 pounds, I fish for the fun of it. There were days, if I wanted to keep a fish, that I would catch 20 fish over 20 pounds, it is not like that anymore. Chairman Lauber – You are in support of the slot limit? Smith – Correct. Chairman Lauber – These gentlemen make a good point too. Smith – They do and I agree with them on channel cat, blues will dominate them, but there are still channel cat in there and don't know why they are not catching them from the shore, whether it is habitat or have displaced to other places in the lake; we do catch them from the boat, not like we used to, but still some in there. Four years ago there was a 32 pound channel cat weighed in at tournament. Mentioned that he talked to several people who said if they can't keep any big fish they are not coming back, good. We don't want someone coming from Kansas City or wherever and taking a bunch of fish home for a fish fry, that is mentality we need to get away from. We are not feeding the town, not scrounging fish so people can survive, we don't need to be having big fish fry's four or five times a year, don't need to go to harvest 600 pounds of fish to have a fish fry on the weekend. Anybody who says they fish to feed their family, they are full of it. I have a boat, fish probably 100 times a year and I think I am down to about \$18 a pound for blue cat, so it is just not true. My daughter is 7 years old and she fishes with me all the time, she is just as happy with a 5-pound fish as she is with a 40-pound fish; if they catch any fish they are happy. At end of that, there were comments at end of last meeting that said 40-inch limit is no good because fish won't live to see that; it is proven that blue cats live over 20 years, every fish won't reach that limit, it is just the way the genes are, but the vast majority have that potential. In the back of report it tells how they age blue catfish. Also, at the last meeting it was asked if you leave all the big fish in there if they would eat everything

else in the lake. We paid a bunch of money to have someone come in and get carp out of the lake and they are on blue cats food chain, any fish in that lake are on its food chain. I don't we have to worry about other fish for these fish to eat.

Knoblock – To us 25 inches is a little low on the slot because that is less than seven pounds. If you take a blue cat and you do a good job of filleting him out, we salvage all meat around rib cages and everything, with a 6-pound blue you might get two to two and a half pounds of meat; more waste on a catfish than a walleye because of big head; if you can't keep a big one just smaller ones you don't end up with a lot of meat. We would be happy with 30 inches because that would let you take some 10- to 12-pound fish.

Lance Nolan, El Dorado – Live by El Dorado Lake and every weekend my son and his friends want to go with us to Milford on the weekend. My kids grew up hunting and fishing and they love catch and release. Grandpa wants to catch and kill everything, but need to get off that mentality. We have plenty of fish to eat. There is YouTube video that fishery biologist at El Dorado made at Milford a few years ago and showed thousands of crappie, bluegill, walleye and every type, he just pans around and all you can see is fish. Don't think blue cats are eating everything, dominating channel cats, but plenty of other fish out there to catch and eat. Chairman Lauber – You are in support of slot limit? Nolan – I am in support of slot limit.

Marvin Dohrman – You talked about predation, we had one blue cat that wasn't that big, around 20 or so pounds, but its belly was full, but there was a carcass of another fish that was 18 inches long in there. The point is, how many people fish in tournaments, but how many people fish then whole lake. They didn't catch many fish in tournament this year, but neither could we that week. Just because you didn't catch them doesn't mean they aren't there. But as a teacher and farmer, how many bulls and cows can you put in a pasture and expect everything to turn out right. At some point there is a magic point between their idea and our idea. The Fish and Game talks about wanton waste and we see that just in cleaning fish, where not even half the meat is being taken off, the take a hunk out, it is shameful. We aren't taking fish out in numbers, taught that worst thing you can do at a farm pond is throw the fish back in because they overpopulate. There is a balance between the two, none or at least keep one in that slot. Chairman Lauber – Vote on this in November. All of you have good points and we appreciate it. Someone is going to be disappointed, we want to accomplish what we want and help everybody, but have to pay attention to what our paid professionals. We will take your thoughts into consideration and encourage you to continue to contact us between now and then. Commissioner Williams – Thank Jack, Mike and Marvin and also Shawn and Chase thanks for your comments.

Nygren – We are removing fish commercially there, our contractor J.D. Bell is doing it at the request of KDHE, because common carp are so numerous in the lake that they are contributing to harmful blue algae blooms; last year they provided \$50,000 to subsidize the fishing operation to remove common carp, there is no market so he has no reason to target those because he can't make any money off of them; he does target smallmouth buffalo, bigmouth buffalo, drum and other species that he can sell into human food market in larger urban areas across the country. There is a cut up above the causeway where water can back up when the lake gets high and last year he ran a net across there and blocked that and estimated over 50,000 rough fish in that one area; the lake went down and they escaped back into the lake, but the amount of buffalo common carp in that lake is tremendous. You will see benefits in removal of those fish, in terms of freeing up primary productivity, because not constantly stirring up the bottom and suspending nutrients that can contribute to algae blooms. Interesting that KDHE came to us to do carp removal and we welcomed it.

Change 115-7-4, deals with possession of fish; add requirement when someone gives fish to another person that it needs to be accompanied with a dated written notice that includes the donor's printed name, signature, address and license number. This will help law enforcement officers when dealing with over-the-limit. This only applies to sportfish.

115-25-14 - We have two designated Type 1 trout waters at Cedar Bluff Stilling Basin and the Sandsage Bison Range not stocking due to a variety of issues; we want to change them to Type 2 waters from November 1 through April 15. In addition, the Scott State Park Pond is currently designated Type 2 water, which requires a trout permit only for anglers fishing for or possessing trout; we propose changing to Type 1 water, which requires a trout permit to fish there during trout season because we are stocking there.

Commercial sale of fish bait, 115-17-2, vendors are already selling dead gizzard shad across the state in packages and it was determined it wasn't a legal way to sell the fish. Rusty's Bait Shop out of Anthony is biggest supplier and we want to make it legal for that to happen, which allows gizzard shad to be sold dead commercially in Kansas for fish bait.

115-25-14 - Major change in how we manage channel and blue catfish, for many years had combined daily on creel limit of 10. We are proposing separating blue cat and channel cat into separate categories and allowing 10/day channel catfish limit and 5/day blue catfish creel limit. To alleviate the problem of identification, did study at Wilson, this regulation says that catfish with more than 30 rays in the anal fin it will be considered blue catfish and those with less would be channel. Chairman Lauber – Is there a precise number or does it vary with each fish? Nygren – There can be a variation, and there are hybrid catfish that show up from time to time that can fall between the two, but if we assign ray count it is easy for law enforcement to count to be sure fish stays in the appropriate category.

Asked to consider bowfishing for catfish on lakes that had length limits and in the past workshop we informed the commission that we did not feel that is appropriate because not confident an angler fishing in a boat could tell the difference in visual observation, not recommending that.

115-25-14 - Fishing; size limits, several lakes adding 2/day on striped bass and hybrid striped bass; we are proposing to change the creel on striped bass and wipers to 5/day to allow folks fishing for in tail races and low reservoirs and rivers and streams to keep five, not trying to manage those bodies of water for stripers or wipers so don't care if over-harvested there, which could be beneficial in taking pressure off some of native species that live in those streams. At same time set 2/day creel on lakes that we want to restrict the harvest. Started off at 2/day when we first started with stripers and wipers because the state had no potential to raise our own so we were dependent on getting them from other states in trade, now self-sufficient and Milford has developed a program to spawn and produce striped bass and hybrid striped bass with domesticated broodstock up there, Okay to be more liberal and where we want to be more specific with 2/day we can still do that in reference document.

115-18-19 – Paddlefish permit requirements, restrictions and permit duration; this is an effort to get kids involved in fishing. This would allow youth, when accompanied by an adult with at least one unused tag, to snag a paddlefish. A youth could still have the opportunity to purchase their own youth tag to fish independently. This gives someone with a child with them an opportunity to fill one of their tags. In addition to that we no longer feel it is necessary to require filling out a paddlefish harvest questionnaire, we are getting that information from other sources. Currently, we only require barbless hooks at Chetopa and would to streamline things and work in a more holistic approach, go to barbless hooks on paddlefish statewide.

115-17-3, commercial fish bait requirements and applications. Proposing going to a three-year

commercial fish bait permit instead of every year, easier for bait vendor and don't have to go through permitting process every year. The cost will be \$52.50, a little cheaper than buying an annual permit three years in a row; \$2.50 fee and \$50 for actual permit.

Final one has to do with new concept called youth mentor fishing pond. We have kids pond at Pratt next to the office and we often see adults fishing without kids and we don't have a regulation that would say they aren't supposed to do that. We don't necessarily want the kids to be the only ones fishing, we want them to fish with their family. Propose a whole new category with a list similar to trout water list where waters can officially be designated youth/mentor fishing ponds. If a child is 15 years and younger they can fish there, a child who is 16 or 17, with a license, can fish there as well and adults 18 and older could fish, but they must have a valid license and must be accompanied by at least one actively fishing youth. Right now we only have two bodies of water we are proposing for this year, Kids Pond at Pratt and Dodge City Demon Lake. In discussion with communities and state parks to determine if more waters want to do this and anticipate more next year. One of the considerations, for the next time around, is also allowing disabled people to fish in these ponds, but not right now. An additional tool to be sure we are reaching our R3 needs, and be sure if we are putting in ponds that are supposed to be for kids that kids are getting to catch the majority of the fish.

Shawn James – If slot limit goes in at Milford, how far above the lake will that apply? Nygren – Most of our limits only apply to federal property, from federal property line to where fish leave the lake at the river below; from the dam up to the upstream federal property. Don't have GPS location, but about 3-4 miles above the causeway. We are going to vote on updated on new list of aquatic nuisance species, we had some new lakes contaminated this year and plan to bring to November meeting to vote on, consider this workshop to making additions to that.

XI. DEPARTMENT REPORT

D. Public Hearing

Notice and Submission Forms (Exhibit W).

None

XII. Old Business

None

XIII. Other Business

A. Future Meeting Locations and Dates

Changed to November 16, 2017 – (same location) Scott City, Bryan Conference Center

January 11, 2018 – Milford, Acorn Lodge

March 22, 2018 - Topeka

XIV. ADJOURNMENT

The meeting adjourned at 8:21 p.m.

(Exhibits and/or Transcript available upon request)