

**REVISED AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Thursday, March 22, 2018**  
**Kansas Historical Society History Center**  
**6425 SW 6<sup>th</sup> Ave, Topeka, Kansas**

- I. CALL TO ORDER AT 1:00 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE January 11, 2018 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**

**Presentations**

**75-year Anniversary Magazine Update (Mike Miller)**

**2017 Sport Fish Restoration Outstanding Project Award Presentation (Joe Larscheid, AFS presenting to Doug Nygren)**

**Recognition of Fisheries Division Employees of the Year Awards (Doug Nygren)**

**Recognition from Public Lands to Fire Department (Dustin Mengarelli)**

**A. Secretary's Remarks**

- 1. Agency and State Fiscal Status (Robin Jennison)**
- 2. 2018 Legislature (Chris Tymeson)**

**B. General Discussion**

- 1. iSportsman Update (Dustin Mengarelli)**
- 2. Upland Birds (Jeff Prendergast)**

**C. Workshop Session**

- 1. Webless Migratory Bird Regulations (Richard Schultheis)**
- 2. Waterfowl Regulations (Tom Bidrowski)**
- 3. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley. (Matt Peek)**

4. **KAR 115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms. (Stuart Schrag)**
5. **KAR 115-25-7. Antelope; open season, bag limit, and permits. (Matt Peek)**
6. **KAR 115-25-8. Elk; open season, bag limit, and permits. (Matt Peek)**
7. **KAR 115-4-6. Elk; management units. (Matt Peek)**

**VII. RECESS AT 5:00 p.m.**

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

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

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

**XI. DEPARTMENT REPORT**

**D. Public Hearing**

1. **KAR 115-25-9. Deer; open season, bag limit, and permits. (Levi Jaster)**
2. **Secretary's Orders for Deer (Levi Jaster)**

**XII. OLD BUSINESS**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

**XIV. ADJOURNMENT**

If necessary, the Commission will recess on March 22, 2018, to reconvene March 23, 2018, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment. If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911. The next commission meeting is scheduled for Thursday, April 26, 2018 at Memorial Building, Alliance Room (3<sup>rd</sup> Floor), 101 S. Lincoln, Chanute, KS.

**Kansas Department of Wildlife, Parks and Tourism  
Commission Meeting Minutes  
Thursday, January 11, 2018  
Milford Lake Conference Center  
3710 Farnum Creek Rd  
Milford, Kansas**

Subject to  
Commission  
Approval

The January 11, 2018 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 2:30 p.m. at the Milford Lake Conference Center, Milford. Chairman Lauber and Commissioners Ward Cassidy, Emerick Cross, Tom Dill, Gary Hayzlett and Harrison Williams were present. (Start time delayed due to weather.)

**II. INTRODUCTION OF COMMISSIONERS, STAFF AND GUESTS**

The commissioners and department staff introduced themselves (Attendance roster - Exhibit A).

**III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

Sheila Kemmis – Added Milford State Park Update to evening agenda. American Fisheries Society presentation is canceled until a later date. Rocky Mountain Elk Foundation Award was also cancelled; presenter. Mason Cooper, was unable to attend the meeting. (Agenda - Exhibit B).

**IV. APPROVAL OF THE November 16, 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**

Eric Rose – Talked to Levi, state deer biologist. In Unit 7, we have a petition (Exhibit D) with six farmers asking to go down to one doe. We are at ten and could go to 12 and he told me it would not be devastation from a biological standpoint. We are asking the committee to change Unit 7 to go down to one doe and one buck tag to build our herd up better. In Downs Kansas we are having a problem with out-of-staters coming in and buying four doe tags; had them here this rifle season when we had 60 degree weather and they had 30 deer on a trailer, rotting. The warden came and said his hands were tied. It is not waste not, want not law unless they don't tag it and leave it in their possession, don't throw it in the ditch; Kansas needs to first state to change that. Waste of the resource.

Lonnie Fink, Phillipsburg – Unit 3, go along with this gentlemen, deer numbers down 40-60 percent in our unit. I have talked to out of state hunters because I have 1,000 acres of WIHA next

to my piece. They are asking where deer are and saying they are not coming back. For years had best resource in the country and now not the case. Need to do something about it before resource is gone. We bring out St. Jude kids out, the doctors release them for three days and we have an obligation to them to give them every opportunity to fill a tag; two years ago, one girl who came won't come back again (died). It is upsetting that we are doing this to our resource. Hope that you can do something, what Kansas has is special, but it is not that way anymore. I travel all over the United States and people are commending the state on how we manage the deer herd. Understand everyone wants to make money, but I am a farmer and it is not an unlimited resource and we are exploiting it too much. Chairman Lauber – Beneficial to offer less permits? Fink – Yes. Chairman Lauber - How many offered now in Unit 3? Fink – Can get up to five doe tags. Another issue, with late doe season, last Sunday saw a buck dead in ditch and had just been shot. Chairman Lauber – I hear you and it is a complicated balance; if we back off late season doe herds some politician would say we have too many because someone hit a deer with a car and we have to be careful on how we deal with that. We will try to respond, we take it seriously. Chairman Lauber – Where is Unit 3? Fink – North of Hays. Sad to me and would hope we can come to common ground. Understand it is complicated and I always try to look at it from your perspective; know you can't make everybody happy. Comment on muzzleloader season, you have given them muzzleloader season, archery and rifle seasons, what more do they want, too lenient. I would like to see some of older rules brought back to protect the resource. Keith Sexson – We are in process of working on Secretary's Orders now, so our folks can look at that and look at those kinds of comments as we develop permit quotas for next year. Fink – Who decides permit quotas? Sexson – Starts with Levi Jaster, our deer biologist and works its way up through the process for review.

## **VI. DEPARTMENT REPORT**

2017 Sport Fish Restoration Outstanding Project Award Presentation (AFS presenting to Doug Nygren) *cancelled due to weather*

Partner in Conservation award from RMEF (Mason Cooper) *cancelled due to weather*

K-9 Presentation (Jason Sawyers); Dan Heskett – Have special presentation, most of us have owned special hunting dog and know what the bond is when the dog is exceptional; imagine retiring dog you have spent 16,000 hours working in the field with. K-9 Meg has assisted in finding key evidence that led to confessions and convictions in countless wildlife cases; located hidden guns, bows, shell casings, arrows, crossbow bolts, deer, ducks, geese, pheasants, quail and turkeys. K-9 Meg located a wallet that hunter lost which contained over \$400 in cash; found guns hidden by convicted felons, been called by sheriff's departments in many Dickinson, Geary, Riley, Clay, Cloud, Jackson, Lyon, Osage, Marshall and McPherson counties, Kansas Highway Patrol and Kansas Bureau of Investigation to assist with cases; she found evidence in three homicides and one attempted murder case. She has been involved in two officer involved shootings to recover evidence and located suicidal subject with a gun hiding in the woods before they could end their life. K-9 handler Lance Hockett and Meg helped with a multi-state wildlife check lane with Colorado that ran for 36 hours straight and over 1,300 vehicles inspected. One case involved 4-year-old girl that let herself out of the house while her mom was sleeping, temperature was in the upper 90s and she had been missing for many hours; another department

K-9 and handler Stoughton responded and were tracking girl, but due to intense heat couldn't continue until that K-9 could cool down; Meg started where first K-9 stopped and found little girl who was extremely dehydrated and not very responsive, but made a full recovery with proper medical attention. We would like to announce retirement and present a plaque to K-9 Meg and her handler, game warden Lance Hockett. Tony Wolf, Geary County Sheriff, I also want to present a plaque for service to citizens and sheriff's department; also a gift for Meg (treats).

#### **A. Secretary's Remarks**

1. Agency and State Fiscal Status – Robin Jennison, Secretary, presented this update to the Commission (Exhibit E). Governor gave state-of-the-state on Tuesday and presented his budget; our budget is basically intact, did not get IT security money we asked for, but will talk to him and may get it. Governor's budget was done on consensus estimate done in November and to date they have \$80 million more dollars than projected, so different than past several years. Stronger national economy has improved it. Last year we had a reduction of \$500,000 in EDIF, which significantly affected parks. The Park Fee Fund revenue continues to grow, highest to date since 2014 when we made some changes; first six months has been strong. In the balance charts, last year we had to make some adjustments, trailing below that figure but expect to be above last year in February and hopeful to end the year over \$5 million; goal has been to get half year operating revenue in reserve, but have not quite made it there yet. Have not gotten report to show what annual park registrations are, expect static to previous year. Park passports up to 112,000, when we started we were selling around 60,000 registrations to the parks in some form, now over 120,000; doubled number of annual visitors. Cabin revenue history shows where we are and have previous years, the best we have had for last four years and total revenue is \$1.2 million and that has helped parks significantly. Not a lot as far as wildlife fee fund, can see monthly revenues, uniform from year to year with exception of 2011; expect close to \$20 million at end of year.

2. 2018 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit F). Legislature started Monday, go over bills passed last year, talk about what is left and what we will introduce this year. SB 26 passed and increased the vessel registration cap, voted on increasing vessel registration at last meeting. HB 2098 designated Mined Land Wildlife Area bison herd named after Representative Grant who passed away; department in process of implementing, working on bison pen and coming up with signage. HB 2191 dealt with licenses, permit stamps and other issues of the department as we transition towards more electronic forms of licensing, updates needed to statute. HB 2192 – renaming of Scott Lake to Historic Lake Scott State Park, toured at last meeting. HB 2407 dealt with real estate transfers with consent of Department of Administration and Attorney General and there was a provision in that which allowed us to purchase 1,000 acres in Sherman County. Last year's leftover items: SB 24 designates the channel catfish as the state fish of Kansas and did not have any movement in Senate Natural Resources. SB 25 was department initiative which deals with cabin fees and dynamic pricing (higher demand, higher fees; lower demand, lower fees), for instance if blue-green algae bloom is reported at lake, we could lower fees to stimulate people to use cabins; passed out of Senate and tabled in House committee where attempts to add other provisions we were not supportive of. SB 162 dealt with dangerous regulated animals; legislature passed bill in 2004 or 2005 and attempts since then to amend the law, no hearing and didn't move, but counter bill in the House is still alive. HB 2068 dealt with child support orders,

registration of vehicles and vessels; if individual in arrearage of child support couldn't register their vessel, which is already the law; had a hearing but didn't move. HB 2193 would have phased in boater education, a department initiative and had a hearing back in January of last year, but didn't move; wanted to phase in over time like furharvester and hunter education. HB 2199 dealt with conservation easements and allowed county commissioners to regulate conservation easements in the county; similar to bill two years ago that had three proponents and 20 opponents, no hearing. HB 2207 dealt with hunting on private land by written permission only, department opposed the bill as it would change the law, went out in modified version to the House floor and was sent back to committee and is still alive this year. HB 2208 dealt with transferability of deer permits, a bill that would have allowed landowners to have transferable deer permits per 80 acres up to a certain amount, had hearing in committee, department opposed and two attempts to amend into budget debate at end of year and were not successful. HB 2363 would have authorized Department of Administration to sell surplus properties and had a list of property and it included places like Cheyenne Bottoms and swept money to SGF and agency would have had to pay back properties purchased with federal funds and thrown us into diversion; not just our agency. Issues I have seen or heard in last week was guide licensing; we licensed back in 1990s and early 2000s and authority was taken away from the agency; haven't seen the bill. Another one deals with compensatory mitigation, requested to be introduced this week, deals with 404 permits from the Corp, but haven't had a chance to analyze the bill.

Commissioner Harrison – What is hold up on SB 24 in regards to channel cat being named state fish? Tymeson – Kansas is one of four states without a state fish, while it seems innocuous and should be a good thing we use to promote our state, sometimes the newspaper bashes the legislature for wasting time on a state fish when they could be working on taxes or school finance or bigger issue. Since I have been here we have gotten state grass, while innocuous there is some contention on what should be the state grass, big bluestem, little bluestem or buffalo grass. Nonetheless would like to have a state fish to promote our state and teach our kids. We can debate what the state fish is, but want one. Two other initiatives pursuing this year, raising caps in statute on various fees hunting and fishing side; a few years ago, with newest price increase, at \$25 for a hunting license which is top of cap; for future administrations, proposing to raise some of those caps in statute. Also add two new state parks, Flint Hills Trail and Little Jerusalem badlands.

Chairman Lauber – What about guiding, who is pushing that? Tymeson – Guiding community is split, some want to be regulated and some don't; but expect using it as economic protection. Back in late days of our regulation, put teeth into regulations and started having hearings on revocation or denial of guide licenses and there was considerable backlash; people imagined it to be a rubber stamp. Issues associated with that, we did not provide consumer protection for if people got upset with a guide or outfitter they would come to us and say they had a bad hunt and we asked if they violated the law in any way and when told no, we couldn't do anything about it.

Chairman Lauber – Do we have a position on this? Tymeson – Our position was, in 2005 and as we look at that history; as we started to put teeth into those laws and enforce denials and revocations the legislature came back and started putting stipulations on us. Our position was everyone should or no one should be regulated or self-regulate themselves and have an outfitter board like they do in some western states. Also some issues association with guides in private land state versus a western state where you have large tracts of public land and concession agreements and things like that.

Chairman Lauber – I concur with mindset; set up a trade association and regulate themselves, but trying to get cohesive group is a waste of our time.

Tymeson – It was an expensive endeavor and commercial permitting, the way we had the fee

structure set up, I don't think folks understand what it would cost to regulate an industry and don't think they would be willing to pay what it would cost. In case before, we had hearings and cost of law enforcement activities and cost us more than what fees were. If we went back would be across the board fee and commensurate with what it costs us to run the program. Don't know how many guides out there today, but when we stopped regulating we had 573 registered guides and I think there were people who didn't go through registration process and operating under the radar. Commissioner Dill – Unless legislative authority we can't even do this? Tymeson – Correct, unless legislature passes something we are sitting where we are. Commissioner Dill – That is one of the things I get the most phone calls on, they don't understand that we can't because of the legislative initiative previously.

## **B. General Discussion**

1. Commissioner Permit Update and Drawing – Mike Miller, chief of Information Production Section and magazine editor, presented this update to the Commission (Exhibit G). Started in 2006, by statute, made seven deer permits available or one elk or one antelope and the rest would be filled by deer permits. These would be drawn by conservation organizations who would auction them off, they remit 85 percent of that back to us, are able to keep 15 percent for their own administrative costs and then the agency works with them on an agreed upon conservation project and the money goes back to them to complete that project. It has leveled out in last few years, last year they raised \$72,850, usually runs from around \$40,000 to high \$50,000s, but organizations are figuring out how to market these to raise the most amount of money. Last year we had 146 applications and 142 of those eligible due to winning in past three years. They must be Kansas-based, must be wildlife conservation oriented and willing to promote hunting and fishing heritages. Multiple chapters from same conservation organization are eligible. What did we have this year, Sheila? Sheila Kemmis – We had 154 eligible applications this year out of 162 total applications. Miller – Application rate is going up a little and chapters are figuring out how to market this. They can request which permit they want and in the recent past most of them have requested deer; it is any deer, statewide, any season, a sought after permit and doesn't count against a person's other permit. Since we started we have raised over \$450,000 to go directly into conservation projects.

Drawing Winners (Exhibit H):

Commissioner Ward Cassidy – (1) – #48 NWTF Golden Plains, Ellinwood, deer  
Commissioner Emerick Cross – (2) – #93 Friends of NRA, Heartland KS#1, deer  
Commissioner Gary Hayzlett – (3) – #47 NWTF Ford County, Dodge City, deer  
Chairman Gerald Lauber – (4) – #45 NWTF – Dickinson County, Beard Busters, Hope, deer  
Commissioner Aaron Rider – (5) – (drawn by Chairman Lauber) – #118 DU Atchison #2, deer  
Commissioner Tom Dill – (6) – #143 PF Waconda Ringnecks Chapter 586, deer  
Commissioner Harrison Williams – (7) – #5 RMEF Greater Kansas City Chapter, elk

2. Tourism Update – Linda Craghead, Assistant Secretary, presented this report to the Commission (Exhibit I – tourism handouts). Legislators are back, so on a weekly basis tourism does an eblast to let them know what is going on. Michael Pearce has joined our team effective January 1 and will be serving as our content manager; with him we hope to enhance projects we have started and the initiatives put into marketing our state parks and other outdoor ventures;

excited to have him on board. Focus of this week's eblast is all about results last year in tourism. A lot of people don't understand why tourism is part of this agency, but in 2011 the governor decided to move them from the Department of Commerce to Wildlife and Parks, to better market leisure and outdoor opportunities across the state. Since then our focus has been to enhance Kansas economy through tourism promotion and we have had seven straight years of growth in tourism. As you know we hire a company on an annual basis to evaluate economic impact of tourism and the numbers are big; we rolled those numbers back so our legislative body and public could better understand. We look at NAICS codes, what the Department of Revenue and IRS look at for job and business classifications. This past year we had increase of \$328.7 million in sales tax revenue that came into state general fund (SGF) on tourism NAICS codes. We also look at transient guest tax or hospitality tax charged when you stay at a hotel; last year \$43.7 million; that money goes to your counties and cities and helps us market the state as a tourism destination; some areas focus on outdoors, some on things to do in their area; since 2011 it has almost doubled. There is a larger number of people coming to state and more opportunity to spend their money. For instance, Wyandotte County has seen tremendous growth around the Legends Shopping area. We hire a company called Tourism Economics to take a look at it overall, and a full report is on travelks website. We also do that study for several local communities. Tourism Economics is a part of Oxford University; the report shows growth of over 600,000 visitors this past year for record 36 million visitors. Spending rose to \$6.7 billion as a direct result of those visits and that in turn supported \$10.8 billion in business sales and 95,000 jobs or 5.1 percent of all jobs in state. Nationally, were one of 13 states where growth of travel employment grew 100 percent faster than the rest of economy. We work with wildlife, parks and tourism and all of our communities. Comparison charts handed out, blessed as far as budget, as Governor and legislature has held steady over past 6-7 years, but doesn't help us in positioning; as far as State General Fund, we are lowest in the nation on public funds. On full budget, most states are 100 percent funded by state fund support, in our case 42 percent is state funding, economic development and senate funds, less than \$1.7 million. The team is not only our staff, but our partners across the state; we use their funds to match state perspective. (showed video) Summary shows map that represents partner Arrivalist, we were first in nation to use them, and by geotargeting we can place digital ads in front of people and if they click on it we now have ability to follow that person and know when they have arrived in Kansas; map reflects areas that people came from. In the past we used to market to only shoulder states, but it's apparent to us that we get a lot of East Coast, southern, LA and San Diego area folks, so we place ads directly in front of people in those areas. One other handout – talk about vacations, January 29 is national plan your vacation day. Kansas is ranked ninth in the nation on number of unused vacation days, 64 percent of vacation days given to employees are left on the table; is there a work martyr syndrome or is employee not letting people use, or don't feel you can catch up if you take days; over 5.7 million days and if all the people took it and spent their time in Kansas, potential to bring in \$529 million more to state. Fink – You said 40 percent of budget comes from state, where does other money come from? Craghead – Through partnerships and cooperative advertizing, like KDOT on blue sign programs. Fink – \$370 million raised from what? Craghead – Increase in sales tax of \$328.7 million, not total amount, only increase.

3. Threatened and Endangered Five Year Review – Chris Berens, chief of ecological services section, presented this update to the Commission (Exhibit J). Ed couldn't make it because of weather today. Kansas Nongame and Species Act delegates the authority to list on



three official lists, endangered, threatened and species in need of conservation. These lists are then approved into regulations 115-15-1 and 15-2. At end of this process you will take action. Process takes from a year to 18 months. At end of this month everything will be on website to open up to receive petitions for status change. These will be reviewed by T&E task committee, a seven-person committee with expertise in different fauna of Kansas, are well versed in scientific method and Kansas wildlife biology. Ed Miller is chairman; Elmer Fink, FHSU; Mark Eberle, FHSU; Dave Houkos, K-State Cooperative Unit; Bill Jenson, Emporia State University; Mark Shaw, department fisheries biologist; and Sara Zukoff, K-State Extension entomologist out of Garden City; a diverse group of folks. During review process if they find scientific merit to perform a review of that species they review data from last five years and any new information is considered on whether or not to list and what status should be. Did make changes in last five years and downlisted a few species in last review. Task committee will provide best scientific data and look at social and economic impacts by listing those species and provide commission a recommendation to consider.

4. Webless Migratory Bird Regulations – Rich Schultheis, migratory game bird biologist, presented this report to the Commission (Exhibit K). Made changes in last cycle to offer take of exotic doves and expanded permitted methods of take to those species. There are no changes for federal frameworks; however staff is considering changes to 115-20-7 as a follow up to those changes made to doves. We do not anticipate any recommended changes to webless seasons or limits. Chairman Lauber – You said 115-20-7 may be changed? Schultheis – That is the regulation that primarily has to do with methods of take and migratory doves and we are pursuing potential to eliminate that regulation and fall back on federal regulation. The reason for creation of that regulation was when we had both exotic and migratory doves combined in season and now separating those, potentially no need for this regulation and can refer to federal regulation. We will have recommendation at next meeting.

5. Waterfowl Regulations – Tom Bidrowski, migratory game bird program manager, presented this update to the Commission (Exhibit L). The U.S. Fish and Wildlife Service (USFWS) annually develops frameworks within which states are able to establish migratory game bird hunting seasons; these establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. Only change from last year is increase in daily bag on northern pintails from one to two. Staff recommendations will be presented at March meeting.

6. KAR 115-29-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley – Levi Jaster, big game research biologist, presented this report to the Commission (Exhibit M). This is regulation sets military subunit seasons; gave you another handout (Exhibit N) that shows dates for seasons statewide as well as each military unit. This is brought forward later than regular season to allow them flexibility for military training activities. Smoky Hill has requested to have deer hunting seasons same as the statewide seasons, but with firearm season November 20, 2018 through December 1, 2018; which keeps them with same number of days but shifted to accommodate them. Fort Riley has requested additional archery days starting September 1, 2018 through September 16, 2018, and from January 2, 2019 January 31, 2019; additional days of hunting opportunity for designated persons (i.e., youth and people with

disabilities) from October 6, 2018 through October 9, 2018, which is in place of pre-rut antlerless firearm season they don't want; and firearm season dates of November 23, 2018 through November 25, 2018, and December 15, 2018 through December 23, 2018, same number of days but allows them to take advantage of Thanksgiving holiday. Fort Leavenworth has requested the same seasons except for firearm season November 17, 2018, through November 18, 2018, November 22, 2018 through November 25, 2018, December 1, 2018 through December 2, 2018, December 8, 2018 through December 9, 2018, and December 15, 2018 through December 16, 2018, again same number of days; an extended firearm season for the taking of antlerless-only white-tailed deer from January 1, 2019 through January 13, 2019; and an extended archery season for the taking of antlerless-only white-tailed deer from January 14, 2019 through January 31, 2019. On Fort Riley or Smoky Hill they are requesting only one antlerless valid permit and Fort Leavenworth is requesting five. This will come back for workshop in March and public hearing in June. Chairman Lauber – Has the military requested this number of splits in the past? Jaster – They have for Fort Leavenworth, basically weekends, but first time Ft. Riley may have split their firearm season. Chairman Lauber – We want accommodate what they want to do. Commissioner Harrison – On Ft. Riley, for youth and disability, did you say October 6, 7 8 and 9, or just to the 8th? Jaster – The 9<sup>th</sup> is included. Commissioner Cassidy – Is there a particular liaison in the military that you work with? Jaster – Yes, a different person for each property. Commissioner Cassidy – Who controls the permits they get on that base? Jaster – They do, to the most extent; some of the extra days, like Ft. Riley, are only for individuals authorized by them with written permission, typically only folks they choose. Commissioner Cassidy – Is it only military doing the hunting? Jaster – Mostly military, some public in places, but not much. Mike Houck, Fort Riley – We had split season for a several years now, using Thanksgiving and Christmas holidays to allow military and out of state hunters to come in at that time. Our special seasons are primarily geared toward soldiers getting ready or coming back from deployment. We usually set a 200 cap on archery; unlimited on firearms, but set up units on installation and limit number of hunters through iSportsmen. Commissioner Cassidy – Our wardens don't have anything to do with hunting on that property? Do you police it yourself? Houck – We have our own federal game warden.

*Break*

### **C. Workshop Session**

1. Antelope and Elk 25-Series Regulations – Matt Peek, research game biologist, presented this report to the Commission. Antelope, KAR 115-25-7 (Exhibit O) – No significant changes planned for pronghorn this year. We have had season on pronghorn antelope since 1974 in three units, which are same boundaries as deer; mostly in western two tiers of counties. Archery permits are good in all three units and are unlimited and available over-the-counter for residents and nonresidents. Muzzleloader and firearm permits are good in only one of the three units and are limited draw and available to residents only. The demand for pronghorn hunting is high; usually about 1,200 applications for 200-230 permits and typically takes 2-4 preference points or 2-4 years of applying for a general resident to draw a muzzleloader permit or 4-6 years for a general resident to draw a firearms permit. Half of the firearm and muzzleloader permits are allocated to landowners and tenants and in most cases landowners can get permits every year or every other year; occasionally it can take up to two years. Proposed hunting season dates are

provided and are standard. Typical success rates for archery are 10-15 percent, 60 percent for muzzleloader and 70 percent for firearm hunters. We run aerial surveys once or twice a year, depending on the unit, and are in the process of getting those scheduled and will have permit recommendations after completed. Commissioner Dill – Numbers still about the same? Peek – Yes, consistent for about five years, maybe increasing slightly and permits reflect that. Commissioner Cross – Do you do aerial surveys on same areas every year? Peek – Yes. Commissioner Cross – They don't ever extend the range or add new territory to the range? Peek – They can move around a little bit; at last meeting we talked about a herd that is a little farther east than what they typically had been, so can be movement, but for the most part best areas in each unit are fairly consistent. We recognize there are animals outside the areas we survey, but we use the trend information in those set areas, along with permit success rates and things of that nature.

Elk, (Exhibits P, Q) – KAR 115-25-8 has changed minimally since 2010 when unlimited permits were offered. We do have a change in season dates to recommend; we have a six-and-a-half month season and structure is intended to allow landowners to determine elk populations on private land. To maintain herds on Cimarron National Grasslands and Fort Riley, they are in small, specific units to provide them with higher degrees of protection. This framework has been effective on limiting damage complaints, but changes we are recommending are in response to damage complaints. We would like to recommend a firearm season outside Fort Riley that would be through the month of August. Main purpose would be for landowners to address crop damage we have received complaints on. Don't think August season will result in a lot of additional harvest pressure except in areas where agriculture damage is an issue. The other change is to be made in other regulation on elk management units (115-4-6). Other aspects of the season are standard and we'll have elk permit recommendations for Fort Riley at next meeting. Chairman Lauber – You are going to recommend August 1 season? Peek – August 1-31, yes; firearm season statewide except for 2A and Cimarron unit 1, which is closed to hunting. Commissioner Dill – Are most of damage complaints in Geary and Riley County? Peek – The one most responsible for August recommendation is from Hamilton County in western Kansas and unit thing has more to do with elk north of Fort Riley; elk are permanently staying off the Fort up there. The buffer was intended to provide Fort Riley elk a little bit of additional protection so the minute they stepped off the Fort everyone couldn't be waiting for them. Not that residing off the Fort, but like a few more people to take elk up there; now that buffer is wide enough that elk are permanently residing there on private land there is concern; landowners are filling permits, but would like ability for a few more people to take elk there. Commissioner Dill – You said Hamilton County? Peek – Yes. Chairman Lauber – Looking at 115-25-8 and recommending boundary change to 24 Highway? Peek – Yes, that is 115-4-6. Chairman Lauber – These will be voted on in March? Peek – March or April, depends on when I get Chris pronghorn recommendations and we vote on both. Tymeson – It will probably be April because of boundary change.

2. Public Land Regulations – Stuart Schrag, director, Public Lands Division, presented this report to the Commission (Exhibit R). Talking about changes to the public land reference document under KAR 115-8-1; discovered outline in briefing book had a couple of omissions so you were given a new sheet. Under age restrictions, adding wording designating “weekends and holidays only” to Hillsdale Wildlife Area in Region 2, open to anybody during the week to allow more access and opportunity. Under boating restrictions, no motorized boats, add Neosho

Wildlife Area stating motorized watercraft permitted only during the waterfowl season, and no motorized watercraft allowed in pools 4A and 4B and no out-of-water propeller-driven watercraft permitted any time, no airboats basically. Under no gasoline engine powered boats, add Tuttle Creek Wildlife Area Olsburg Marsh in Region 2 to provide various types of waterfowl access; Tuttle Creek would then have a walk-in marsh, non-motorized and gasoline powered boat marshes. Under Daily Hunt Permits, for Region 1 add Talmo Marsh and for Region 2 add Blue Valley Wildlife Area and as Wes discussed at the last meeting implement the iWIHA program. Chairman Lauber – Where is Blue Valley Wildlife Area? Schrag – Nathan is our manager for Tuttle Creek. Nathan Henry – Blue Valley is north of Olsburg on Shannon Creek Road and purchased as part of build a wildlife area PF funds.

3. Big Game Regulations - Levi Jaster, big game research biologist, presented this report to the Commission (Exhibit S). Permanent regulations: 115-4-2, general provisions, not proposing any changes for this regulation; 115-4-4, legal equipment, requests to change equipment in the future, but we're not proposing changes this year; 115-4-6, is management units; 115-4-11, is big game and wild turkey permit applications; and 115-4-13, is deer permits descriptions and restrictions. We are not recommending any changes for any of those. We will continue in 4-13 to not offer either-species antlerless-only permits because of concerns with mule deer herd. Doug Phelps, Manhattan – Status on plan to go to two-part carcass tag? Still in works or been abandoned? Keith Sexson – No further discussion on that proposal. Phelps – Some day? Sexson – Maybe; not forgotten, but not discussed.

4. Deer 25-Series Regulations - Levi Jaster, big game research biologist, presented this report to the Commission (Exhibit T). These establish seasons and for the most part continues as is. The big shift is youth/designated persons season will start on September 8 instead of September 1 to avoid hunter conflict and provide more opportunity. Continue with one-day season in January for units where there is only one antlerless permit allocated and have six days and thirteen days for other units. We also want to move the pre-rut season to October 6-8, same weekend as Columbus Day and provides more opportunity which is primarily hunted by residents. These will be brought forward for public hearing in March. Chairman Lauber – When will you determine number of whitetail antlerless only (WAO) permits? Jaster – In March. Chairman Lauber – Anticipate changes? Jaster – Don't know that I do, but I want to look at the data. Commissioner Dill – Any idea on actual participation in WAO pre-rut season originally mandated by the legislature? Question whether utilized much. Jaster – It is. I would have to look into the numbers; there is a jump in harvest rates that would indicate it is utilized. Commissioner Dill – Have data when do rest of analysis? Jaster – Yes.

5. Coast Guard Navigation Rules – Dan Heskett, boating law enforcement officer, presented this update to the Commission (Exhibit U). Follow up from last commission meeting. What we are trying to do is adopt the navigation rules (NAV rules), Title 33 CFR Part 83 by reference into our regulations. This is from a follow up of a site review conducted by the U.S. Coast Guard conducted in August of last year and this was one of our non-compliant issues; they said we were non-compliant in the way our navigation issues were written up and they recommended that we adopt the NAV rules as our regulation. The NAV rules are lengthy but broken down by different rules and when you get into it there is very little that really changes except articulation of wording and by matching wording to Coast Guard Code of Federal

Regulations (CFR), then they can't argue that we are non-compliant.

**VII. RECESS AT 4:25 p.m.**

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

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

Chairman Lauber – Recognize Mike Harris, owner of this establishment. Nice facility and appreciate his help.

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

Randy Langerville, Junction City – President of I-70 bass anglers. Like clarification on blocking off waters on Milford Lake at Thunderhead Marina area, blocked off by cable and we can't fish the back of the cove and also at Milford Marina area there are cables blocking behind the slips that we can't fish; they say waters belong to them. Chairman Lauber – There are leases and every lease is different. Familiar with some of claims; in some cases leasehold is clear, some not and not uncommon for leasehold to expand their rights. There is no set policy and a lot of that has to do with individual lease. Have 30-40 leases in the state, through different administrations may be different, so don't have a good answer. Suggest maybe legal department respond to you after the meeting. Have general idea of what is going on. Tymeson – We met with several folks to discuss this issue, Jesse Gehrt, law enforcement supervisor here, and Sheriff's department to come up with ideas and met with county attorney and came to resolution to avoid conflict between users and leaseholders. You need to talk to Jesse.

Tim Nedeau, Osage County – What is difference between regulations and laws? Tymeson – A statute is passed by the legislature and regulations the commission votes on and implements have the force and affect of law and are within the statutory guidelines set by the legislature. There is a constitution, statutes and regulations. Nedeau – In regulations, on page 5, deals with trespassing, it says “written permission is required to enter land posted with hunting and/or trapping by “Written Permission Only” signs, or land having trees or fence posts painted purple”, but yet 32-1013, section (c) allows someone to cross onto somebody else's land without their permission. How can we have the same thing two different ways? Tymeson – We discussed this issue before and clearly your position is that you disagree with the ability for someone to retrieve game on somebody's property without permission, which is allowed by state statute. Nedeau – HB 2207 earlier in today's session you said you were opposed to that. Tymeson – We were opposed to the initial version of that bill. Nedeau – It was rewritten that you didn't have to have written permission, just permission and it appears you are still opposed to it. Tymeson – No, our position was not that Tim and you know we discussed this last year at the Commission meeting and that the position of the department was that we were neutral on second version of that bill; it went to the House floor and came back. Nedeau – But today and in two other meetings you were opposed to it. Tymeson – No, opposed to initial version and neutral on second and that was our position last year. Nedeau – Okay, the way the state law is written in state statute and what is in these guidelines for hunters it seems there is a discrepancy. This is from Mike Pearce article on purple paint, “no property in Kansas can be entered upon without the landowners permission

marked or unmarked said Chris Tymeson, Wildlife and Parks attorney”; this is from retired colonel Kevin Jones, “ultimately it is the landowner’s decision”, it is their land. Chairman Lauber – What do you want on this? Nedeau – I would like this department to explain to landowners of Kansas why, even though we put up purple paint, hunting with written permission only that there is a loophole that a person can still come on our land. I talked to a man yesterday who owns land beside public hunting ground, that is the worst nightmare in the world; he can put up any sign he wants and somebody can trespass on his land, it is only trespassing if you confront them and say they are trespassing, if they say they are pursuing wounded wildlife, it is not a crime, only a crime if they refuse to leave. What does purple paint and no hunting signs mean? Chairman Lauber – Your concern is noted, I don’t know if we need to go over any more or not; we have heard it all before. Nedeau – I would like this organization to explain to the landowner. I talked to a man earlier this week that either owns or leases over 13,000 acres and he has a guide service and he was shocked when I told him that a person can trespass on his land. Tymeson – Actually they can’t trespass on your land, they can go on there for the purpose of retrieving game, that is state statute passed by the legislature, by your representatives, that is what the law is. Nedeau – Why won’t this organization support the change? Tymeson – We have discussed this. Nedeau – I would like you to explain it to the landowners of this state. Of the millions of acres owned by private hands, we deserve an explanation of why. We all know the ethical hunter will do the right thing, it is the person that has no ethics that is going to abuse that and sneak on. You earlier today said you were concerned about educating the kids, talking about the catfish. Hunter safety courses educate the future hunters to do the right thing. Chairman Lauber – All you want to do is needle us and no matter what we say you are not going to like it, so we need to go onto something else. Nedeau – No, I do appreciate what you say, I am just asking for an explanation of why you won’t support the landowner? Why do you support the unethical hunter? Rabbit season is open 365 days a year and a person can access my land every day of the year and it is not the honest person that is going to be doing it, it is the unethical hunter. I would like the public to know that you support the criminal aspect, not the honest landowner. Tymeson – That is your mischaracterization of what we were just talking about. You are talking about somebody who is unlawfully on your property and that we are supporting unlawful activity and that is just not true. If somebody shoots a pheasant and it falls on the other side of the fence they have the lawful right to go in there, until you tell them no, to retrieve that pheasant. What you are talking about is people who are in there unlawfully, meaning they are not retrieving game and we don’t support that. Nedeau - In 23 other states you have to have permission to go retrieve it. Chairman Lauber – You are not bashful about going to the legislature to try to get whatever it is you may want done, so that is my suggestion. Nedeau – And I have. But, if this organization won’t explain what 2207 really is. Chairman Lauber – You have made your public comment, there is nothing we are going to do that is going to make you happy or from continuing to come. We are done now. Nedeau – That is not what I am trying to do. You have your opinion of me and that is fine.

Kelly Ross – I am a tournament director for our bass club and we go to great efforts to make sure we comply with state laws and get a permit for our tournaments, but we noticed there are often tournaments, especially at Milford, where people don’t have permits. We notice it and seems like the state should be able to see that; especially clubs from Nebraska. I check with the park office Friday to see if there are any other tournaments going on in case we have to move our ramp or anything; when we get on the water there are two or three tournaments going on and we know

they don't have permits because I was just at the park office. Could you look into that? Tymeson – Like anything else, enforcement is difficult when you don't know something is occurring. We appreciate you bringing that to our attention. If you know that an activity like that is going on I suggest you notify us as soon as you can so we can people out and deal with the situation. Ross – I have; just wanted to bring it to your attention.

Shawn James – Thank you for everything you have done at Milford on blue cat; appreciate everything you do. Would like you to look at cast net mesh size, right now law says ½ inch, could we bump it up to 1¼ inches? The problem is, I throw a 10-foot net in a 20-foot radius and all of the little shad and little fish get gilled in that net; you shake them out and they die. The bigger cast nets will fan through all of those little fish, saving them and catch the bigger shad. Chairman Lauber – We have a mesh maximum? James – Yes, ½ inch, don't know if that is old law or hasn't been looked at recently. Want you to please look at that and see what you think. Chairman Lauber – I will suggest that fisheries looks at that. The drop is faster if the mesh is bigger? James – Yes, but not worried about the drop, but catching all of the little shad. Tymeson – We did change that from 3/8 inch to ½ inch a few years ago, at least last five years. The issue was because it drops faster and the collection of game fish. Doug Nygren – We could give his request consideration, even if you do catch game fish you are required to release them, we can see if increasing to 1 inch or 1¼ inch is feasible. Don't know if can find 1-inch on the market, when we went from 3/8 inch to ½ inch it was because no one sold the 3/8 inch nets. We can look into it.

Jesse Cornell – Would like to see if anything we could do to allow use of Alabama rigs, which basically is an umbrella rig with head with five wires and five hooks. Technically not allowed to do that because this state has a two-hook limit, but when using a jerk bait on top water you have to bait with three treble hooks, that is nine hooks to one bait. I want to see who or what we have to do to get that changed? Chairman Lauber – Maybe as we are looking into net size we can look at that as well. Cornell – Not going to hurt anything. Five hooks, doesn't matter how many fish you catch you are still only allowed to keep so many fish.

Travis Collup, Wakefield (*not on roster, not sure of spelling*) – Any plans to try to limit out-of-state hunters to only draw every three year? Chairman Lauber – For deer? Collup – Yes. Chairman Lauber – Probably not, see your point, but number of permits we offer is commensurate with the demand. You would have a lot of permits left over if you limited it that way. Collup – Deer are in decline right now, every year it seems worse. More hunters there and just because you give out permits and bringing in money doesn't mean you are making it better for the area. Used to have quality deer and haven't seen that in about six years. Chairman Lauber – In certain areas there is deterioration, and reduction in CRP and declines as a result of some drought years; not insensitive to the problem or perceived problem of nonresident hunters. While the money is important we are not making decisions based on money from nonresident hunters. Most of nonresidents are not getting doe permits and that is the one area that tends to reduce or expand the herd. Collup – They don't have to buy a doe tag because when you buy a buck tag you automatically get a doe tag. Chairman Lauber – I don't think most of them are shooting does. They do pay top dollar and in some cases freeze out local people, and perception deer numbers. Collup – I know because I am out there every day hunting. We all see this and have expressed our complaints to you, but they haven't done anything about it. They dropped the

doe numbers and appreciate that and have cut back the seasons, but now that everybody can hunt all three seasons. Other states have a draw system and bring in the money; charge them more if worried about the money. Chairman Lauber – We have to deal with legislation attempts to add another eight hunters per square mile with transferrable deer permits and if we dramatically reduce amount of nonresident permits the legislature would look more favorably on a system that is much worse for you and the resource. Collup – How is it going to be worse for us if they start managing it? All of these other states manage deer and some states you can get two buck tags. If you are worried about how many deer people can harvest you can let residents of the state have two buck tags until population gets more manageable. Chairman Lauber – Not be able to put the toothpaste back in the tube, we have nonresident hunters, don't see any way we can have dramatic reduction. Collup – If you go to every three years or maybe see what people think because everyone I have talked to would love to see a reduction in out-of-state hunters. Chairman Lauber – All of my constituents agree that way, but I can't make that happen. Don't know if practical approach, hear what you are saying, but don't know what else we can do.

Recognition of Fisheries Division Employees of the Year Awards - Doug Nygren – Take a little time to recognize some of the outstanding work being done by fisheries division employees. This year we nominated from each of our sections, culture, management and research. Gave print out of nomination letters (Exhibit V), but with weather, two of three couldn't make it, catch other two in March. They have already received their awards but we wanted to give them some public recognition. Kyle Austin made this nomination (*read entire nomination – Exhibit V*); Aaron Andrews is Outstanding Culture Section employee for dedication to walleye larvaculture and sex reversal projects at Meade Hatchery... (*applause and photos*) This work has grown already, last week WAFWA directors voted unanimously to take work he is doing to turn into effort in western U.S., 11 states in consortium. Exciting to think that someday we won't be plagued by Asian carp, common carp or white perch and also could improve sport fishing at the same time as well as all female walleye stocking. Most of walleye fisheries are maintained through stocking and if we could stock 100 percent females we would be able to catch bigger and better walleye. It is a great start. He will be doing it again this year and raising walleye to 9-10 inches.

## **B. General Discussion (continued)**

6. Milford State Park Update – Kyle Hoover, park manager (PowerPoint - Exhibit W). Last August celebrated 50 years as a lake, rededicated at ceremony at East Rolling Hills. We have six full-time employees; manager, two park rangers, two facilities maintenance and one administrative assistant. We have three boat ramps, 10 launching lanes and recently updated walkway on courtesy dock at Walnut Grove. We have 10 cabins with incredible lake views with shoreline access; seven campgrounds and in April 2017 renovated 31 sites at Woodland Hills campground. We took 30 amp serviced and updated to 50 amp and added frost-free hydrants. Our equestrian facilities are located in Eagle Ridge campground. We have several covered horse stall areas and two wash bays and provide horse trails throughout the park. Have other conveniences like picnic shelters, two dump stations, playground located in one of our day-use areas, shower houses, hiking and viewing towers. Updated trails with new mile markers and with technology can track progress, also gives law enforcement a way to find people if something happens. We have a lot of partnerships, different agencies and local businesses, as well as the Milford Nature Center on programs and activities. We have a marina, Milford Lake Marina,



which provides covered slip areas, has a convenience store and provides on-the-water fuel. Also, have a yacht club at Walnut Grove campground, have 40 slips available for rent. Have roughly 174 acres of leased agriculture area for row crops, rotates between corn and soybeans and also have hay areas. During June we host a group who bring youth all ages, called Extreme Kansas Camp; the kids have a tent, have a good time and it continues to grow. Host a lot of special events, fishing tournaments including Cabelas; large events from adventure races, triathlons, cross-country meets to troops bringing their families for family reunions. Last December assisted with youth and disabled hunt, three successful hunters harvested two does and one button buck. Rangers introduced two new food plots to assist with wildlife management and promoting wildlife throughout the park. Next weekend invite you to join us for Eagle Days on January 20, meet at the Milford Nature Center and bus people around the lake and have other activities throughout the day. Over summer months, during peak of blue/green algae season, we host an event called Float Your Boat, fun event with boats built out of cardboard and duct tape, course set up and they time you. Monster myths by moonlight is another Nature Center program we assist with. They take myths about creatures and tell the truth about them and take you on a hay ride and nature walk. This summer we introduced four new staff for special events; skins and skulls done by ranger on state park and gives kids hands on. Summer splash, during blue-green algae months, use hydrant water and sprinklers and create slide area to enjoy time as a family together; look at Facebook page for pictures on that. Did family movie night in the park, bring lawn chair and blanket and we provide movie and popcorn. Did s'more family fun run, one mile walk/run and had campfire with s'mores and gave prizes, think we can make better and add different concepts. Budget and other concerns come up throughout the year and we have to change our plans, but fun to dream, have goals and see where we are heading. Playground needs wood chips or flooring brought up to safe level and make aesthetically pleasing. Roofing upgrades, putting tin on picnic shelters and have some other roofs we need to look at doing, like viewing tower and group shelter. Woodland Hills upgrade, hope to continue upgrading 30 amp service in other areas as money allows. Cabin landscaping, planting trees for shade and help erosion going on. Also, shoreline erosion going on and can bring in rock. Like to see an archery range here like the one at Tuttle Creek; do 3D targets and a couple of lanes for broadhead use and elevated area too. Would like to see a splash pad introduced in the park near office in hay area, provide area in summer to still be in water when we have blue green algae events; looking at using land and water conservation funds to help with funding; start small, add to it later by being creative with design. From state parks staff thanks for time and look forward to seeing you in 2018 and thanks for your support.

## **XI. DEPARTMENT REPORT**

### **D. Public Hearing**

*Notice and Submission Forms (Exhibit X). Legislative Research letter dated January 11, 2018 (Exhibit Y).*

1. Free Park Entrance and Free Fishing Days by Secretary's Orders – Tony Reitz, parks regional supervisor, presented the Secretary's Resolutions (Exhibit Z).– June 2 and 3 is free fishing days. Free park entrance days are listed; all state parks open May 5 for lets camp America day.

2. KAR 115-15-3. Threatened and endangered wildlife; special permits and enforcement actions – Chris Berens, chief of Ecological Services Section, presented this regulation to the Commission (Exhibit AA). Legislation passed in the 2016 legislative session required change to the Kansas Nongame and Threatened and Endangered (T&E) Species Act. This Act requires the department to adopt rules and regulations to contain a list of nongame species deemed by the Secretary to be in need of conservation, threatened or endangered. The law stipulates this determination should be based upon information related to population distribution, habitat needs, limiting factors and other biological and ecological data gathered to determine conservation measures necessary for continued ability to sustain themselves successfully. This permanent regulation designates when special permits are needed when dealing with T&E species and their habitat. Proposed changes are in response to legislative changes and include the change to the definition of critical habitat and definition of permit from another state or federal agency. In addition to the regulation, new language to address action permits and when the department can issue an action permit for species listed after July 1, 2016. Requires department to have an approved species recovery plan within four years of listing and no species recovery plan is approved or if species is not listed as federal listed species then not allowed to issue an action permit. Other changes include some minor wording changes to clean up regulation. Chairman Lauber – We have a letter from Kansas Legislative Research department that gave recommendations and instructions (Exhibit Y). Also, Kansas Livestock Association (KLA) has sent a letter to the commissioners on this regulation and the next one in support of our recommendations. Tymeson – Aaron Popelka is here from KLA to comment.

**Commissioner Gary Hayzlett moved to approve KAR 115-115-3 as presented to the Commission. Commissioner Ward Cassidy second.**

Aaron Popelka, Kansas Livestock Association – You have received comments we submitted for both of these regulations and I sent an addendum today that addresses Joint Committee on Rules and Regulation Committee concerns (handouts Exhibit BB). Give history of the bill and how these regulations came to be; we were driving force behind some of these changes to the Threatened and Endangered (T&E) Species Act. Generated from two of our members who were expanding a feed yard and dairy; they went through water control permitting process and after completed got notice there was a T&E habitat and they might have to do an action permit; concerning for us because environmental team that did the background on this had searched the records for this species and critical habitat and nothing had turned up until after the review. We realized there is not a defined definition of critical habitat and were out of sync of some of the federal definitions and regulations. The recovery plan drives how standards that are used to get that species to recover; out of 51 species only 19 plans had been completed so we started legislative process to enact some changes. Some issues remained in the bill, 2156, that passed. The rest of them, particularly dealing with definition of critical habitat, working with committee leadership it was determined it would be more appropriate to address those in regulations, which the department has done in their proposal. A few things positive and why we support it; it puts in place a timeline for recovery plans, which we think is important in order to have fair notice when we need a permit and what standards are being applied; and we clarified the exemptions for normal farming and ranching, in regulation and statute. And we clarified that it doesn't appear to a certification or registration, which according the Water Pollution Control Act deals with small

animal feed yards or swine operations under a thousand animal units, typically not required to have a permit, but are required to register with the department and certify there is no pollution; clarified that wasn't a permit that would trigger review. The other item is clarification of what type of habitat is regulated and as we went through the process we realized the federal government only regulates critical habitat and we have changes to clarify what critical habitat is; at state level said just habitat and it was causing confusion; worked with the department to regulate critical habitat similar to the federal government so we have a consistent group of rules as we work through the process. To align with federal definition of critical habitat, not just essential physical and biological features, but those require special management or protection. The next issue gets into the question that JCARR had, the change that says doing critical habitat designations you need to consider best science available and economic impact, question from JCARR was is there sufficient authority to do that and the answer is yes there is. If you look at Act itself, statutes, critical habitat does not exist, it is a creation by the department through regulation and there are some statutes that give the department that authority, basically it says, rules and regulations under the Act that the secretary deems necessary and advisable to provide for conservation of such species; that is how critical habitat was created. If the department has the authority to create critical habitat it has the authority to shape how and when to designate critical habitat, so adding in language about balancing scientific data and economic impact mirrors the federal standards, 16 U.S.C. 33( b)(2). We are lining ourselves up so that when our engineers go in to do these permitting processes and look at what is required we know we are dealing with one standard. As doing critical habitat designations, for Secretary to be able to balance needs of the species with economic impact. That is our perspective and we support proposals 15-3 and 15-4 as drafted.

**The roll call vote on to approve was as follows (Exhibit CC):**

<b>Commissioner Cassidy</b>	<b>Yes</b>
<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Rider</b>	<b>Absent</b>
<b>Commissioner Williams</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented passed 6-0.**

3. KAR 115-15-4. Recovery plans; procedures – Chris Berens, chief of Ecological Services Section, presented this regulation to the Commission (Exhibit DD). The majority of this proposed modification to current procedures for establishing critical habitat, including both temporary and areas designated by a Species Recovery Plan. These changes also provide the Secretary to determine what critical habitat is based on best scientific data available while taking into consideration the economic impact of the designation. It also allows the Secretary to exclude a geographic area from critical habitat designation. Other changes include minor wording changes to clean up legal language.

**Commissioner Harrison Williams moved to approve KAR 115-115-4 as presented to the Commission. Commissioner Tom Dill second.**

**The roll call vote on to approve was as follows (Exhibit EE):**

<b>Commissioner Cassidy</b>	<b>Yes</b>
<b>Commissioner Cross</b>	<b>Yes</b>
<b>Commissioner Dill</b>	<b>Yes</b>
<b>Commissioner Hayzlett</b>	<b>Yes</b>
<b>Commissioner Rider</b>	<b>Absent</b>
<b>Commissioner Williams</b>	<b>Yes</b>
<b>Commissioner Lauber</b>	<b>Yes</b>

**The motion as presented passed 6-0.**

## **XII. Old Business**

*None*

## **XIII. Other Business**

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

March 22, 2018 – Topeka, Kansas Historical Society

April 26, 2018 – Chanute, Chanute Memorial Auditorium, Alliance Room (3<sup>rd</sup> Floor)

June 21, 2018 – Wichita (designation of national water trail), Great Plains Nature Center.

August 2, 2018 – Medicine Lodge

October 25, 2018 – Colby

Linda Craghead – Destination Statehouse is Wednesday, February 7 at Dillon House. The agency will be feeding the legislators.

## **XIV. ADJOURNMENT**

The meeting adjourned at 7:35 p.m.

(Exhibits and/or Transcript available upon request)



# Secretary's Remarks

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

**2018 Legislature**

**No briefing book item – possible handout at meeting**



# General Discussion

*iSportsman Update*

**No briefing book item – possible handout at meeting**

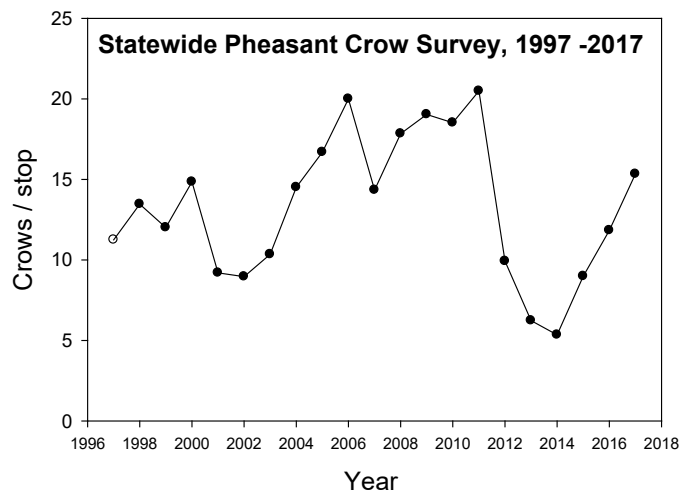
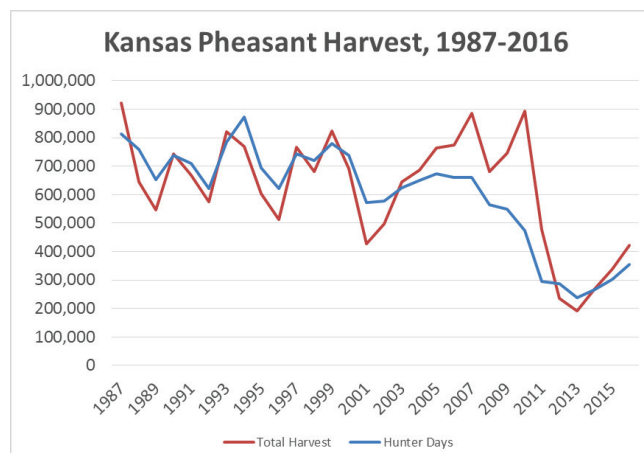
## VI. DEPARTMENT REPORT

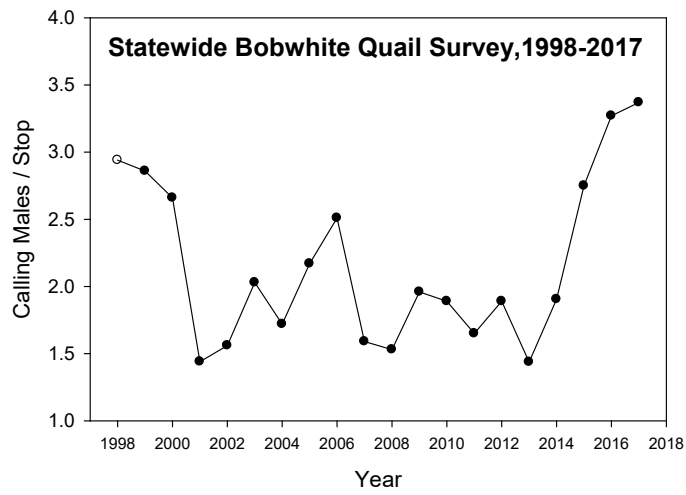
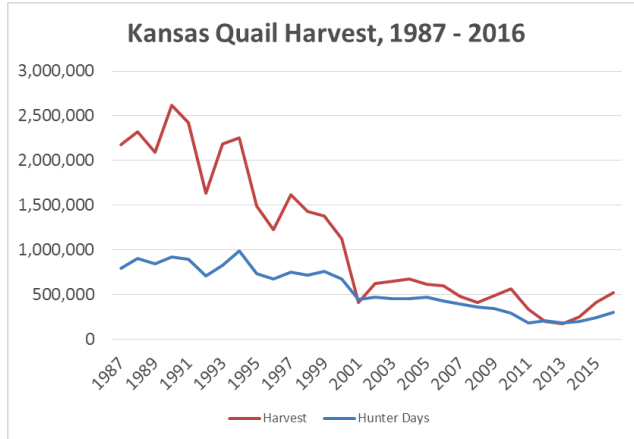
### B. General Discussion

#### Upland Game Bird Update

Inquiries about changes to the season dates and bag limits for upland game birds are not uncommon from constituents. There is a common misconception that reducing harvest or changing regulations to be more similar to other states will improve our populations in Kansas. Hunter harvest has little biological relevance to the populations of upland game birds. As such the department has maintained season structures to accommodate the most preferred options for Kansas' pheasant and quail hunters. The current season structure was first initiated in 1982 and changing the season dates can be very controversial. Historically when changes have been made they have been met with strong resistance.

Season	Open Dates	Daily Bag (Possession)	Open Areas
Youth Pheasant	1 <sup>st</sup> full weekend of Nov.	2(4)	Statewide
Youth Quail	1 <sup>st</sup> full weekend of Nov.	4(8)	Statewide
Pheasant	2 <sup>nd</sup> Saturday of Nov. to Jan. 31	4(16)	Statewide
Quail	2 <sup>nd</sup> Saturday of Nov. to Jan. 31	8(32)	Statewide





# Workshop Session

**Kansas Department of Wildlife, Parks & Tourism**  
**Webless Migratory Game Bird Briefing Item**  
March 22, 2018

**Background**

The taking methods, legal equipment, and possession of migratory doves (Mourning and White-Winged Doves) in Kansas are currently regulated by KAR 115-20-7. This regulation was initially adopted in 2009 in conjunction with the establishment of seasons for exotic dove species (Eurasian Collared and Ringed Turtle Doves). A 2012 amendment added the requirement that doves can only be taken while in flight. The regulation included exotic doves until 2017, when changes were made to exotic dove seasons and legal methods of take. The taking methods, legal equipment, and possession of migratory doves (Mourning and White-Winged) are also subject to federal regulations regarding migratory birds (50 CFR 20). With the removal of exotic doves from KAR 115-20-7, there is the potential to revoke this regulation and defer to federal regulations. The federal regulations, however, do not require that doves are only taken while in flight.

**Recommendation**

Staff recommendation is to revoke KAR 115-20-7 and defer to federal regulations regarding the taking methods, legal equipment, and possession of migratory doves (Mourning Doves and White-Winged Doves).

**2018-19 Webless Migratory Game Bird Bag Limits and Season Dates**

<b><u>Species</u></b>	<b><u>Bag/Possession Limits</u></b>	<b><u>Season Dates</u></b>
Crow	none	November 10 - March 10
Migratory Dove	15/45	September 1 - November 29
Exotic Dove	none	year-round
Sandhill Crane	3/9	November 7 - January 3
Snipe	8/24	September 1 - December 16
Rail	25/75	September 1 - November 9
Woodcock	3/9	October 13 - November 26

# KDWPT WATERFOWL SEASON BRIEFING ITEM

March 22, 2018

## BACKGROUND

The U.S. Fish and Wildlife Service (USFWS) annually develop frameworks within which states are able to establish migratory game bird hunting seasons. These frameworks establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. The following are background material and USFWS frameworks for which Kansas may establish Kansas 2018-19 waterfowl hunting seasons.

SEPTEMBER TEAL SEASON - Blue-winged teal are one of the earliest migrating waterfowl, with most passing through Kansas from late August through October, often prior to the opening of general duck seasons. Green-winged teal are also early migrants but are commonly found in Kansas throughout the fall and winter, depending on weather conditions. Cinnamon teal are occasionally found mixed with flocks of blue-winged teal in Kansas. Special teal seasons were initiated to provide additional harvest opportunities for blue-winged and green-winged teal. States can offer a 9-day September teal season when the blue-winged teal breeding population index (BPI) is above 3.3 million and a 16-day season is permitted when the blue-winged teal BPI exceeds 4.7 million. The most recent blue-winged teal BPI was 7.9 million, allowing a 16-day season for 2018 season.

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

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

- **Liberal package**

- Season Length: 74-day Low Plains Season, 97-day High Plains Season
- Daily bag limit: 6 birds with various species restrictions.

- **Moderate package**

- Season Length: 60-day Low Plains Season, 83-day High Plains Season

- Daily bag limit: 6 birds with various species restrictions.
- **Restrictive package**
  - Season Length: 39-day Low Plains Season, 51-day High Plains Season
  - Daily bag limit: 3 birds with various species restrictions.
- **Closed**

The USFWS prescribed regulatory choice for the 2018-19 general duck season is the liberal alternative. Kansas has been in the liberal alternative since 1997. The only species specific federal regulation change is that the northern pintail limit be increased to 2 in the daily bag limit and 4 in possession.

GOOSE SEASONS - Harvest prescriptions for the Central Flyway's goose populations are based on population and harvest objectives as specified in population specific management plans. There are no changes in harvest prescriptions for geese from the 2018-19 season.

YOUTH WATERFOWL HUNTING DAYS - States may select two consecutive days per duck-hunting zone, designated as "Youth Waterfowl Hunting Days," in addition to their regular duck seasons.

EXTENDED FALCONRY SEASON - In addition to general waterfowl seasons, falconers may take migratory game birds during the special "extended" falconry season. The combined total number of days of take (i.e., teal season, general waterfowl season, and falconry) cannot exceed the Migratory Bird Treaty Act imposed maximum allowable annual hunting days for any one species of 107. This allows for additional 15 days for hawking of waterfowl in Kansas Low Plain zones.

## 2018-19 WATERFOWL USFWS FRAMEWORK

### SEPTEMBER TEAL SEASON

**Season Dates:** Between September 1 and September 30, 2017  
**Season Length:** 16 days  
**Daily Bag Limit:** 6 daily (any combination of teal)  
**Possession Limit:** 18 in possession (any combination of teal)  
**Shooting Hours:** One-half hour before sunrise to sunset  
**Zones/ Split:** No zones or splits options

### DUCK, MERGANSER, AND COOT SEASONS

**Season Dates:** Between the September 22, 2018 and January 27, 2019  
**Season Length:** *High Plains Unit:* 97 days. The last 23 days may start no earlier than December 08, 2018  
*Low Plains Unit:* 74 days  
**Daily Bag Limit:** *Duck:* 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 3 scaup, 3 wood ducks, 2 redheads, 2 canvasbacks, and 2 pintails.  
*Merganser:* 5 mergansers of which only 2 may be hooded mergansers.  
States have the option to include mergansers in the duck daily bag limit,



in which case the daily limit of merganser would be the same as the duck bag limit (6), of which two may be hooded mergansers

*Coot:* 15 coots

**Possession Limit:** Three times the daily bag limit.

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

**Zones/ Split:** *High Plains* – no zones and up to two segments

*Low Plains* – 3 zones with each having up to two segments

*or no zones with three segments*

*Ducks zones are visited every 5 years. Next zone configuration window will be in 2021.*

#### GOOSE SEASONS

**Season Dates:** *Dark Geese* (all geese except Ross's and snow geese): between September 22, 2018 and February 17, 2019

*Light Geese* (Ross's and Snow): between September 22, 2018 and March 10, 2019

*Light Goose Conservation Order:* between January 1, 2019 and April 30, 2019 (KAR 115-18-16). Must be held outside of all other waterfowl seasons

**Season Length:** *Dark Geese:*

Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days

White-fronted geese - states may select either a season of:

Option A: 74 days with a bag limit of 3

Option B: 88-day season with a bag limit of 2

*Light Geese:* not to exceed 107 days

*Light Goose Conservation Order:* Must be held outside of all other waterfowl seasons

**Daily Bag Limit:** *Dark Geese:*

Canada geese (or any other dark goose species except white-fronted geese) 8 geese

White-fronted geese - states may select either a season of:

Option A: 74 days with a bag limit of 3

Option B: 88-day season with a bag limit of 2

*Light Geese:* 50 light geese

*Light Goose Conservation Order:* No daily bag limit

**Possession Limit:** *Dark Geese:* Three times the daily bag limit

*Light Geese:* No possession limit

*Light Goose Conservation Order:* No possession limit

**Shooting Hours:** *General Goose Seasons:* One-half hour before sunrise to sunset

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

**Zones/ Split:** *General Goose Seasons:* No zones and up to two segments

*Light Goose Conservation Season:* No zones or splits

### YOUTH WATERFOWL HUNTING DAYS

States may select two consecutive days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons, under the following guidelines:

1. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate.
2. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.
3. The daily bag limits may include ducks, geese, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.
4. Shooting hours would be one-half hour before sunrise to sunset.
5. Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day.

### EXTENDED FALCONRY SEASON

**Season Dates:** Between September 1, 2018 and March 10, 2019

**Season Length:** For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area.

**Daily Bag Limit:** No more than 3 migratory game birds, singly or in the aggregate

**Possession Limit:** Three times the daily bag limit

**Hawking Hours:** One-half hour before sunrise to sunset

**Zones/ Split:** Each extended season may be divided into a maximum of three segments



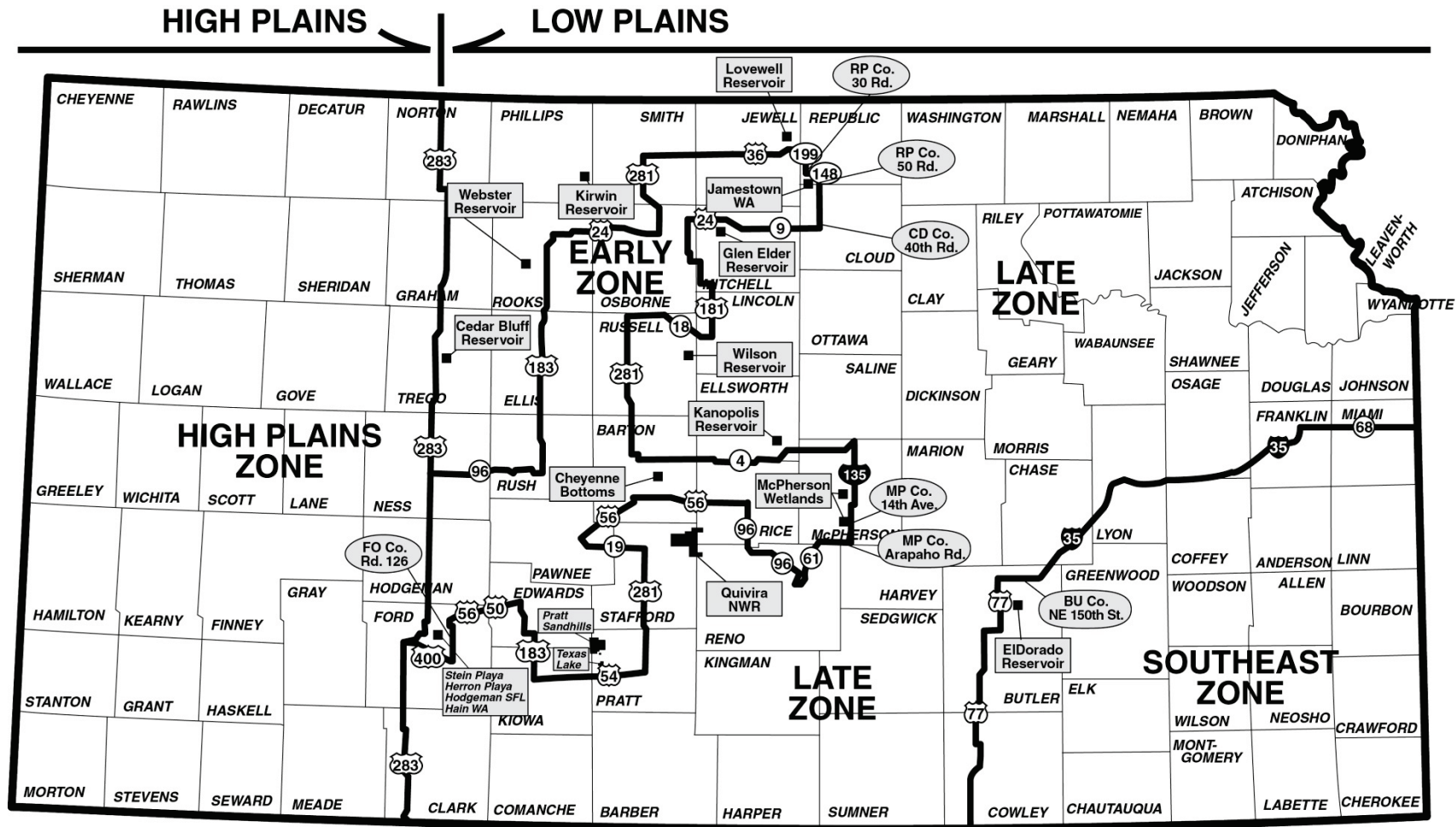
**Table 1.** Kansas September Teal Season Dates and September Teal Harvest from 1992 to 2017

Year	Low Plains Dates	Hunting Days	High Plains Dates	Hunting Days	Bag Limit	Green-winged Teal	Blue-winged Teal	Total Harvest
1992*	Sept 12-20	9	Sept 12-20	9	4	4,267	12,902	17,169
1993*	Sept 11-19	9	Sept 11-19	9	4	1,081	5,604	6,685
1994*	Sept 10-18	9	Sept 10-18	9	4	2,217	7,083	9,300
1995*	Sept 16-24	9	Sept 16-24	9	4	1,896	10,227	12,123
1996*	Sept 14-22	9	Sept 14-22	9	4	1,415	17,115	18,530
1997*	Sept 13-21	9	Sept 13-21	9	4	2,367	14,858	17,225
1998*	Sept 12-27	16	Sept 12-20	9	4	8,454	19,727	28,181
1999*	Sept 11-26	16	Sept 11-19	9	4	3,052	28,022	31,074
2000	Sept 9-24	16	Sept 9-16	8	4	4,621	27,724	32,345
2001	Sept 15-30	16	Sept 15-22	8	4	1,790	10,741	12,531
2002	Sept 21-29	9	Sept 21-28	8	4	3,783	8,723	12,506
2003	Sept 13-28	16	Sept 20-27	8	4	9,024	21,393	30,417
2004	Sept 18-26	9	Sept 18-25	8	4	2,901	19,173	22,074
2005	Sept 17-25	9	Sept 17-24	8	4	2,200	10,387	12,587
2006	Sept 9-24	16	Sept 16-23	8	4	4,733	23,664	28,397
2007	Sept 8-23	16	Sept 15-22	8	4	4,534	25,582	30,116
2008	Sept 13-28	16	Sept 13-20	8	4	7,200	15,120	22,320
2009	Sept 12-27	16	Sept 19-26	8	4	2,775	15,165	17,940
2010	Sept 11-26	16	Sept 18-26	9	4	1,812	16,829	18,641
2011	Sept 10-25	16	Sept 17-25	9	4	1,748	22,562	24,310
2012	Sept 8-23	16	Sept 15-23	9	4	4,298	19,420	23,718
2013	Sept 7-22	16	Sept 14-22	9	6	2,323	28,213	30,536
2014	Sept 13-28	16	Sept 20-28	9	6	2,806	36,736	39,542
2015	Sept 12-27	16	Sept 19-27	9	6	3,620	28,504	32,124
2016	Sept 10-25	16	Sept 17-25	9	6	3,172	22,910	26,082
2017	Sept 9-24	16	Sept 16-24	9	6	N/A**	N/A**	N/A**
<b>1999-2016 Average</b>						<b>3,388</b>	<b>21,159</b>	<b>24,848</b>

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

\*\* Harvest Data is not available until late July.

Figure 1. Kansas Duck Hunting Zones



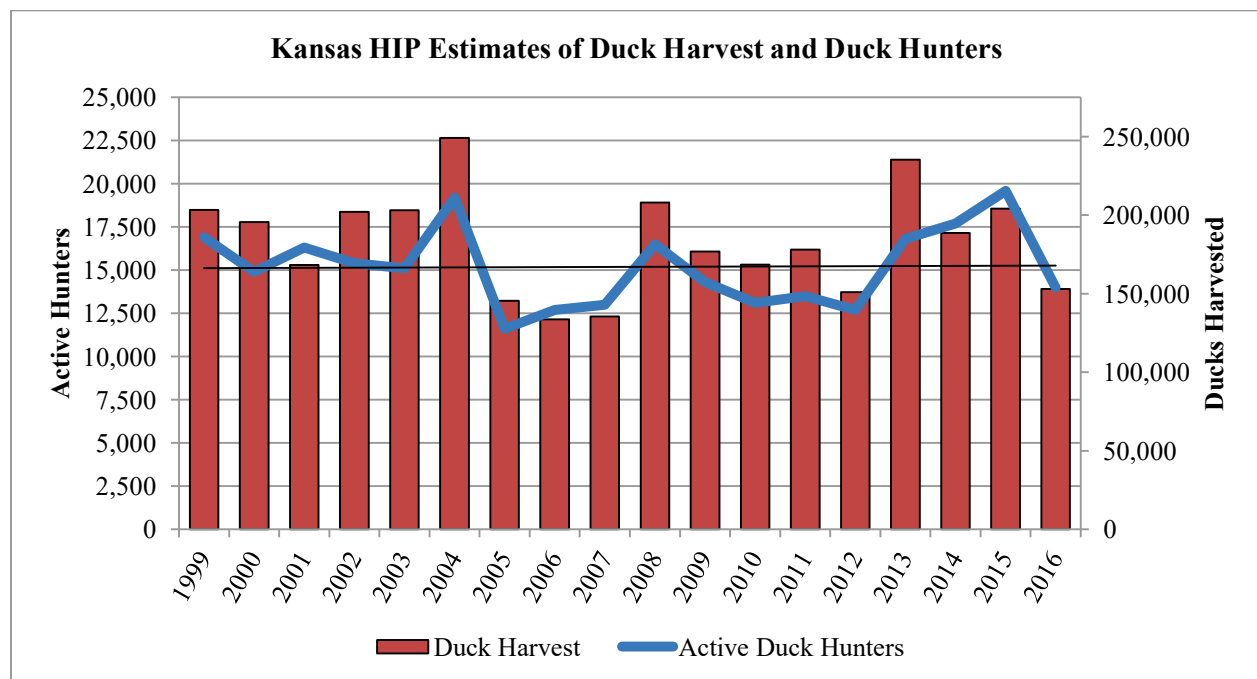
**Table 2.** Historic season dates by zone in Kansas from 1993 to 2017

<b>Year</b>	<b>Season Days</b>	<b>High Plains (HP)</b>	<b>Low Plains Early</b>	<b>Low Plains Late</b>	<b>Low Plains Southeast</b>
2017	74 +23 HP	Oct 7 – Jan 1 Jan 20 - Jan 28	Oct 7 - Dec 3 Dec 16 - Dec 31	Oct 28 – Dec 31 Jan 20 - Jan 28	Nov 11 – Dec 31 Jan 6 - Jan 28
2016	74 +23 HP	Oct 8 – Jan 1 Jan 20 - Jan 29	Oct 8 - Dec 4 Dec 17 - Jan 1	Oct 29 – Jan 1 Jan 21 - Jan 29	Nov 12 – Jan 1 Jan 7 - Jan 29
2015	74 +23 HP	Oct 10 – Jan 4 Jan 23 - Jan 31	Oct 10 - Dec 6 Dec 19 - Jan 3	Oct 31 – Jan 3 Jan 23 - Jan 31	Nov 14 – Jan 3 Jan 9 - Jan 31
2014	74 +23 HP	Oct 11 - Dec 8 Dec 20 - Jan 25	Oct 11 - Dec 7 Dec 20 - Jan 4	Nov 01 – Jan 04 Jan 17 - Jan 25	Nov 8 – Nov 9 Nov 15 - Jan 25
2013	74 +23 HP	Oct 5 - Dec 2 Dec 21 - Jan 26	Oct 5 - Dec 1 Dec 21 - Jan 5	Oct 26 - Dec 29 Jan 18 - Jan 26	Nov 2 – Nov 3 Nov 16 - Jan 26
2012	74 +23 HP	Oct 6 - Dec 30 Jan 19 - Jan 27	Oct 6 - Dec 2 Dec 15- Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	Nov 15 - Jan 27
2011	74 +23 HP	Oct 8 - Jan 2 Jan 21 - Jan 29	Oct 8 - Dec 4 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	Nov 5 - Jan 8 Jan 21 - Jan 29
2010	74 +23 HP	Oct 9 - Jan 3 Jan 22 - Jan 30	Oct 9 - Dec 5 Dec 18 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
2009	74 +23 HP	Oct 10 - Jan 5 Jan 23 - Jan 31	Oct 10 - Dec 6 Dec 19 - Jan 3	Oct 31 - Jan 3 Jan 23 - Jan 31	--
2008	74 +23 HP	Oct 4 - Dec 30 Jan 17 - Jan 25	Oct 11- Dec 7 Dec 20 - Jan 4	Oct 25 - Dec 28 Jan 17 - Jan 25	--
2007	74 +23 HP	Oct 6 - Jan 1 Jan 19 - Jan 27	Oct 13 - Dec 9 Dec 15 - Dec 30	Oct 27 - Dec 30 Jan 19 - Jan 27	--
2006	74 +23 HP	Oct 7 - Jan 2 Jan 20 - Jan 28	Oct 14 - Dec 10 Dec 16 - Dec 31	Oct 28 - Dec 31 Jan 20 - Jan 28	--
2005	74 +23 HP	Oct 8 - Jan 3 Jan 21 - Jan 29	Oct 15 - Dec 11 Dec 17 - Jan 1	Oct 29 - Jan 1 Jan 21 - Jan 29	--
2004	74 +23 HP	Oct 9 - Jan 4 Jan 22 - Jan 30	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 30 - Jan 2 Jan 22 - Jan 30	--
2003	74 +23 HP	Oct 11 - Jan 6 Jan 17 - Jan 25	Oct 11 - Dec 14 Dec 26 - Jan 3	Oct 25 - Nov 2 Nov 8 - Jan 11	--
2002	74 +23 HP	Oct 12 - Jan 7 Jan 18 - Jan 26	Oct 12 - Dec 15 Dec 24 - Jan 1	Oct 26 - Nov 3 Nov 9 - Jan 12	--
2001	74 +23 HP	Oct 6 - Jan 1 Jan 12 - Jan 20	Oct 13 - Dec 16 Dec 24 - Jan 1	Oct 27 - Nov 4 Nov 10 - Jan 13	--
2000	74 +23 HP	Sep 30 - Jan 1 Jan 19 - Jan 21	Oct 7 - Dec 10 Dec 23 - Dec 31	Oct 21 - Oct 29 Nov 4 - Jan 7	--
1999	74 +23 HP	Oct 2 - Jan 2 Jan 20 - Jan 23	Oct 9 - Dec 12 Dec 25 - Jan 2	Oct 23 - Oct 31 Nov 6 - Jan 9	--
1998	74 +23 HP	Oct 3 - Jan 3 Jan 14 - Jan 17	Oct 10 - Dec 13 Dec 26 - Jan 3	Oct 24 - Nov 1 Nov 7 - Jan 10	--
1997	74 +23 HP	Oct 4 - Jan 4 Jan 15 - Jan 18	Oct 4 - Dec 7 Dec 20 - Dec 28	Oct 25 - Dec 14 Dec 20 - Jan 11	--
1996	60 +23HP	Oct 12 - Dec 1 Dec 7 - Jan 7	Oct 12 - Dec 1 Dec 21 - Dec 29	Nov 2 - Dec 15 Dec 21 - Jan 5	--
1995	60 +23HP	Sep 30 - Oct 3 Oct 14 - Dec 17 Dec 23 - Jan 5	Oct 21 - Oct 29 Nov 11 - Dec 17 Dec 23 - Jan 5	--	--
1994	49 +12 HP	Oct 15 - Oct 31 Nov 11 - Dec 11 Dec 21 - Jan 2	Oct 22 - Oct 31 Nov 11 - Dec 11 Dec 26 - Jan 2	--	--
1993	39 +12HP	Oct 16 - Oct 31 Nov 13 - Dec 5 Dec 22 - Jan 1	Oct 23 - Oct 31 Nov 13 - Dec 12	--	--

**Table 3.** The 2017 duck population and pond estimates from the annual Waterfowl Breeding Population and Habitat Survey and comparison to 2016 and long-term average. (Numbers are in millions). The 2018 estimates are not available until late July.

Species	2017	2016	% Change from 2016	% Change for Long-Term Average
Mallard	10.5	11.8	-11%	+34%
Gadwall	4.2	3.7	13%	+111%
American Wigeon	2.8	3.4	-19%	+6%
Green-winged Teal	3.6	4.3	-16%	+70%
Blue-winged Teal	7.9	6.7	18%	+57%
Northern Shoveler	4.4	4.0	10%	+69%
Northern Pintail	2.9	2.6	10%	-27%
Redhead	1.1	1.3	-13%	+55%
Canvasback	0.7	0.7	0%	+25%
Scaup	4.4	5.0	-12%	-13%
<b>Total Ducks</b>	<b>47.3</b>	<b>48.4</b>	<b>-2%</b>	<b>+34%</b>
May Pond Counts	6.1	5.0	22%	+17%

**Figure 2.** Estimates of active duck hunters and duck harvest in Kansas from 1999 to 2016 based upon the Harvest Information Program. The 2017 harvest data is not available until late July.



**Table 4.** All Seasons (teal and regular) estimates of active duck hunters, season duck harvest, and average duck per hunter, average seasonal bag per hunter, and total duck hunter days in Kansas from 1999 to 2016 as estimated by the Harvest Information Program. The 2017 harvest data is not available until late July.

<b>Year</b>	<b>Active Duck Hunters</b>	<b>Duck Harvest</b>	<b>Average Duck Hunter Days</b>	<b>Average Seasonal Duck Bag</b>	<b>Duck Hunter Days</b>
1999	16,900	234,300	7.5	13.9	126,800
2000	14,900	227,900	7.2	15.2	107,400
2001	16,344	180,800	6.2	11.1	100,989
2002	15,426	214,600	6.7	13.9	102,744
2003	15,100	233,600	7.1	15.5	107,600
2004	19,200	271,200	6.5	14.2	124,000
2005	11,600	158,000	7.6	13.7	87,700
2006	12,663	162,100	6.7	12.8	85,416
2007	13,021	165,800	6.3	12.7	82,149
2008	16,531	230,400	6.4	13.9	106,154
2009	14,259	194,400	6.5	13.6	92,081
2010	13,053	187,100	6.1	14.3	79,064
2011	13,534	202,400	7.1	15.0	96,138
2012	12,739	174,600	7.1	13.7	90,851
2013	16,847	265,900	6.3	15.8	105,344
2014	17,700	228,300	5.8	15.9	101,802
2015	19,600	236,200	5.0	12.1	98,300
2016	14,000	179,200	6.2	12.8	87,300
<b>1999-2015 Average</b>	<b>15,252</b>	<b>209,859</b>	<b>6.3</b>	<b>13.8</b>	<b>99,328</b>
% Change from 2015	-28.5%	-24.1%	24.3%	5.8%	-11.2%
% Change from Avg.	-8.2%	-14.6%	-19.8%	-7.2%	-7.5%



**Table 5.** Duck species composition in the Kansas regular duck season harvest from 1999 to 2016 and as estimated by the Harvest Information Program. The 2017 harvest data is not available until late July.

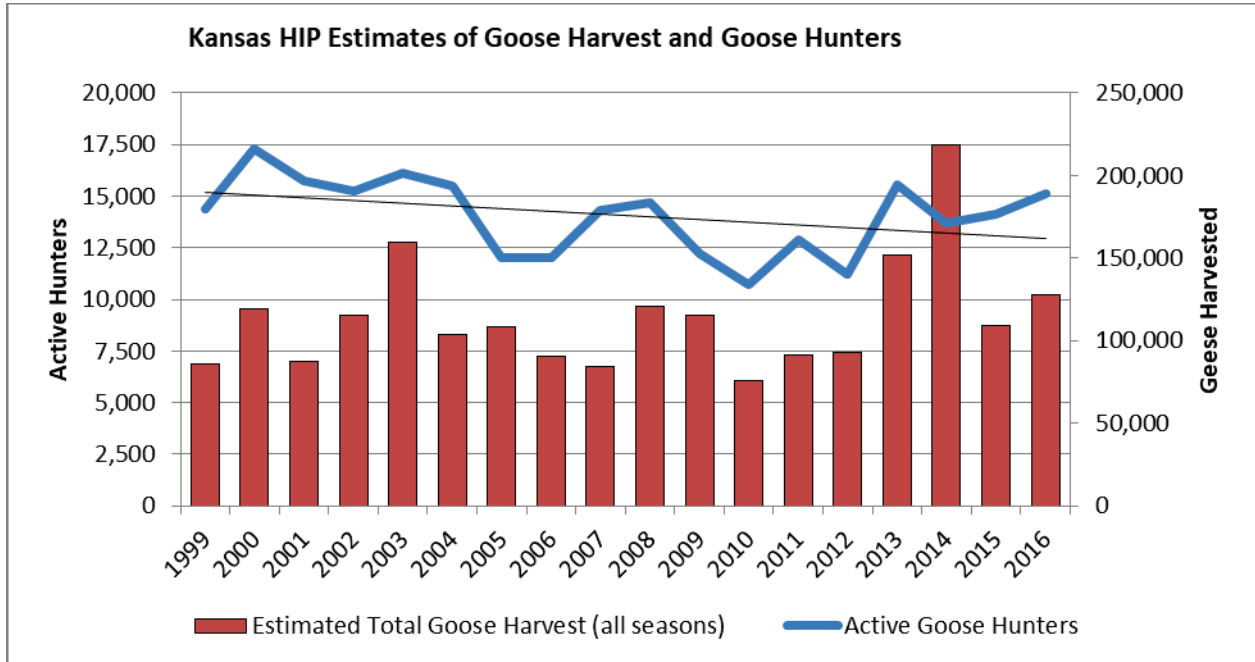
Year	Total Duck Harvest	Mallard	Gadwall	Green-winged Teal	Blue-winged Teal	Pintail	American Wigeon	Northern Shoveler	Wood Duck	Diving Ducks*
1999	203,226	114,167	27,189	21,918	6,936	5,410	7,075	4,578	4,439	10,404
2000	195,555	102,846	29,363	27,872	2,385	7,453	12,520	1,789	2,683	7,154
2001	168,267	97,739	19,154	20,049	1,074	7,339	6,265	3,401	3,938	8,055
2002	202,093	93,112	36,572	31,423	3,468	4,624	13,032	3,783	3,153	10,614
2003	203,184	95,711	41,063	24,536	4,258	4,157	15,513	4,258	3,751	8,315
2004	249,126	133,582	41,374	29,012	6,812	3,280	13,371	5,298	3,027	10,595
2005	145,413	84,193	21,629	13,197	1,588	3,666	7,332	4,277	1,589	7,453
2006	133,701	55,780	30,594	11,156	1,183	2,704	7,944	6,254	2,874	14,198
2007	135,523	61,041	27,687	22,182	1,296	2,591	6,638	4,210	1,133	7,125
2008	208,056	98,160	34,080	22,560	3,840	6,872	17,760	2,400	3,600	16,864
2009	176,862	80,574	27,589	23,569	3,654	5,664	11,511	7,674	3,106	11,876
2010	168,422	76,639	30,940	15,276	3,366	5,437	8,415	9,321	3,366	14,369
2011	178,112	85,163	29,553	18,113	4,131	5,243	8,262	8,262	2,224	14,777
2012	150,901	78,157	32,473	9,232	1,910	6,367	7,959	2,706	1,114	9,869
2013	235,335	94,432	34,188	32,861	20,414	12,115	9,460	12,945	2,655	15,435
2014	188,655	114,417	13,648	22,067	11,225	4,847	4,975	4,592	1,531	10,716
2015	204,053	112,358	31,068	17,193	11,312	6,033	9,803	4,524	1,508	8,897
2016	153,083	95,986	13,981	16,566	4,699	5,169	3,760	3,290	1,645	6,578
<b>1999-2015 Average</b>	<b>183,309</b>	<b>93,003</b>	<b>29,008</b>	<b>21,043</b>	<b>5,197</b>	<b>5,498</b>	<b>9,533</b>	<b>5,198</b>	<b>2,630</b>	<b>10,983</b>
% Change from 2015	-25.0%	-14.6%	-55.0%	-3.6%	-58.5%	-14.3%	-61.6%	-27.3%	9.1%	-26.1%
% Change Average	-16.5%	3.4%	53.2%	-22.3%	-10.1%	-6.3%	-61.9%	-38.0%	-38.8%	-40.1%

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

**Table 6.** Historic general goose seasons in Kansas from 2006 to 2017.

<b>Season</b>	<b>Canada Goose</b>	<b>Season Days/ Daily Bag Limit</b>	<b>Light Goose</b>	<b>Season Days/ Daily Bag Limit</b>	<b>White-fronted Goose</b>	<b>Season Days/ Daily Bag Limit</b>
2017	Oct 28 – Oct 29 Nov 08 - Feb 18	105/6	Oct 28 – Oct 29 Nov 08 - Feb 18	105/50	Oct 28 – Dec 31 Jan 27 - Feb 18	88/2
2016	Oct 29 - Jan 01 Jan 04 - Feb 12	105/6	Oct 29 - Jan 01 Jan 04 - Feb 12	105/50	Oct 29 - Jan 01 Jan 21 - Feb 12	74/2
2015	Oct 31 - Nov 01 Nov 04 - Feb 14	105/6	Oct 31 - Nov 01 Nov 04 - Feb 14	105/50	Oct 31 - Jan 03 Jan 23 - Feb 14	74/2
2014	Nov 01 - Nov 09 Nov 12 - Feb 15	105/3	Nov 01 - Nov 09 Nov 12 - Feb 15	105/50	Nov 01 - Dec 14 Jan 17 - Feb 15	74/2
2013	Oct 26 - Nov 03 Nov 06 - Feb 09	105/3	Oct 26 - Nov 03 Nov 06 - Feb 09	105/20	Oct 26 - Dec 29 Feb 01 - Feb 09	74/2
2012	Oct 27 - Nov 04 Nov 07 - Feb 10	105/3	Oct 27 - Nov 04 Nov 07 - Feb 10	105/20	Oct 27 - Dec 30 Feb 02 - Feb 10	74/2
2011	Oct 29 - Nov 06 Nov 09 - Feb 12	105/3	Oct 29 - Nov 06 Nov 09 - Feb 12	105/20	Oct 29 - Jan 01 Feb 04 - Feb 12	74/2
2010	Oct 30 - Nov 07 Nov 10 - Feb 13	105/3	Oct 30 - Nov 07 Nov 10 - Feb 13	105/20	Oct 30 - Nov 07 Nov 10 - Jan 02 Feb 05 - Feb 13	72/2
2009	Oct 31 - Nov 08 Nov 11 - Feb 14	105/3	Oct 31 - Nov 08 Nov 11 - Feb 14	105/20	Oct 31 - Nov 08 Nov 11 - Jan 03 Feb 06 - Feb 14	72/2
2008	Oct 25 - Oct 26 Nov 05 - Feb 15	105/3	Oct 25 - Oct 26 Nov 05 - Feb 15	105/20	Oct 25 - Oct 26 Nov 05 - Jan 04 Feb 07 - Feb 15	72/2
2007	Oct 27 Oct 28 Nov 07 - Feb 17	105/3	Oct 27 Oct 28 Nov 07 - Feb 17	105/20	Oct 27 - Oct 28 Nov 07 - Jan 06 Feb 09 - Feb 17	72/2
2006	Oct 28 - Oct 29 Nov 08 - Feb 18	105/3	Oct 28 - Oct 29 Nov 08 - Feb 18	105/20	Oct 28 - Oct 29 Nov 08 - Jan 07 Feb 10 - Feb 18	72/2

**Figure 3.** Estimates of active goose hunters and goose harvest in Kansas from 1999 to 2016 based upon the Harvest Information Program. The 2017 harvest data is not available until late July.



**Table 7.** Estimates of active goose hunters, total season goose harvest, average goose per hunter, average seasonal bag per hunter, total goose hunter days, and regular season harvest for Canada, light goose and white-fronted geese in Kansas from 1999 to 2016 based upon the by the Harvest Information Program. The 2017 harvest data is not available until late July.

Year	Active Goose Hunters	Total Goose Harvest	Avg. Goose Hunter Days	Avg. Goose Seasonal Bag	Goose Hunter Days	Canada Goose Harvest	Light Goose Harvest	White-fronted Goose Harvest	Light Goose Conservation Season
1999	14,400	85,700	6.5	5.9	93,300	66,255	12,048	5,476	11,165
2000	17,300	119,000	6.5	6.9	112,200	98,005	8,164	11,303	11,937
2001	15,715	87,499	5.7	5.6	89,663	72,707	4,405	4,721	35,138
2002	15,248	115,400	5.2	7.6	79,771	80,982	18,222	8,966	17,087
2003	16,100	159,700	7.2	9.9	116,200	123,866	19,263	9,735	65,608
2004	15,500	103,700	6.3	6.7	98,000	80,118	16,481	5,688	25,272
2005	12,000	108,300	7.1	9.1	84,800	99,178	3,689	970	18,802
2006	12,038	90,400	5.1	7.5	60,994	59,566	12,848	2,336	12,711
2007	14,294	84,699	5.6	5.9	79,723	59,968	10,943	13,788	4,260
2008	14,692	120,900	5.7	8.2	83,525	87,067	12,540	16,325	11,924
2009	12,213	115,201	6.5	9.4	78,955	92,267	4,267	12,267	15,244
2010	10,700	75,800	5.3	7.1	56,936	66,494	4,459	4,847	53,863
2011	12,900	91,653	5.9	7.1	75,795	51,900	19,876	19,877	62,092
2012	11,207	92,367	6.5	8.3	73,084	72,204	13,016	7,127	72,447
2013	15,543	151,837	5.7	9.8	88,386	108,657	27,253	15,927	92,825
2014	13,700	218,300	5.9	15.9	80,287	166,812	32,409	19,064	55,271
2015	14,100	108,900	4.1	7.7	58,200	71,175	21,928	15,817	41,416
2016	15,100	127,998	6.3	8.5	95,000	96,863	14,222	16,913	45,501
<b>1999-2015 Average</b>	<b>13,979</b>	<b>113,527</b>	<b>5.9</b>	<b>8.2</b>	<b>82,931</b>	<b>92,220</b>	<b>16,260</b>	<b>13,633</b>	<b>51,952</b>
% Change from 2015	7.1%	17.5%	52.4%	10.4%	63.2%	36.1%	-35.1%	6.9%	9.9%
% Change Average	8.0%	12.7%	6.2%	4.2%	14.6%	5.1%	-12.5%	24.1%	-12.4%

## **VI. DEPARTMENT REPORT**

### **C. Workshop Session**

#### **3. KAR 115-25-9a.**

### **K.A.R. 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Smoky Hill ANG, Fort Riley, and Fort Leavenworth**

#### **Background**

This regulation has typically been brought to a Public Hearing in June. Personnel at Fort Riley requested this later period to finalize the seasons because the schedule for military training activities were occasionally unknown at the time KAR 115-25-9 was approved. The regulation has also been used to address legislative actions pertaining to deer hunting that were made after KAR 115-25-9 was approved.

#### **Discussion**

This year we shall address all deer seasons on military subunits under one regulation. Personnel at Smoky Hill ANG, Fort Riley and Fort Leavenworth have been contacted and we have received preliminary information on the season dates that they prefer.

Smoky Hill ANG has requested to have deer hunting seasons at the same dates as the seasons established in KAR 115-25-9 with the following exception:

- The firearms season dates will be November 20, 2018 through December 1, 2018.

Fort Riley has requested the same seasons as those established in KAR 115-25-9 with the following exceptions:

- Additional archery days for individuals authorized by Fort Riley would include the period from September 1, 2018 through September 16, 2018, and from January 2, 2019 January 31, 2019.
- Additional days of hunting opportunity for designated persons (i.e., youth and people with disabilities) from October 6, 2018 through October 8, 2018.
  - No pre-rut firearm season for antlerless white-tailed deer.
- Firearm season dates of November 23, 2018 through November 25, 2018, and December 15, 2018 through December 23, 2018.

Fort Leavenworth has requested the same deer hunting seasons described in KAR 115-25-9 with the following exceptions:

- The open firearm season for the taking of deer shall be November 17, 2018, through November 18, 2018, November 22, 2018 through November 25, 2018, December 1, 2018 through December 2, 2018, December 8, 2018 through December 9, 2018, and December 15, 2018 through December 16, 2018.
- An extended firearm season for the taking of antlerless-only, white-tailed deer shall be from January 1, 2019 through January 13, 2019.
- An extended archery season for the taking of antlerless-only, white-tailed deer shall be

from January 14, 2019 through January 31, 2019.

A deer hunter may use one antlerless-only white-tailed deer permit in Fort Riley, subunit 8A or Smoky Hill ANG, subunit 4A. A deer hunter may use up to five antlerless-only white-tailed deer permits in Fort Leavenworth, subunit 10A.

**Recommendation**

The proposed dates for the firearm season at the Smoky Hill Air National Guard subunit, Fort Riley subunit and at the Fort Leavenworth subunit will be reviewed at Workshop Session in March. Final action on those seasons shall be completed at the Public Hearing in June.

## **Additions to KDWPT Public Lands Special Use Restrictions**

**KAR 115-8-1(e)**

**11-16-2017**

### **II.) Age Restrictions**

**Portions of the following properties restrict hunting to specific age groups**

#### **Region 2**

**-Hillsdale WA – Big Bull wetland area, youth/mentor area – all species, all seasons;  
Add – weekends and holidays only**

### **VI.) Boating Restrictions**

#### **a.) No Motorized Boats**

**(Add) Neosho WA = motorized watercraft permitted only during the waterfowl season. No motorized watercraft allowed in Pools 4A and 4B. No out-of-water propeller-driven watercraft permitted at any time.**

#### **b.) No Gasoline Engine Powered Boats**

##### **Region 2**

**(Add) Tuttle Creek WA Olsburg Marsh**

### **XV.) Daily Hunt Permits**

**Daily hunt permits are required on the following properties:**

#### **Region 1**

**(Add) Talmo Marsh**

#### **Region 2**

**(Add) Blue Valley WA**

**Statewide – (Add section)**

**(Add) i-WIHA**

**KAR 115-25-7**  
**Antelope; open season, bag limit and permits**

**Background**

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for pronghorn antelope.

Western Kansas pronghorn antelope populations have supported a hunting season since 1974. The firearm pronghorn season has been four days long since 1990, starting on the first Friday in October. The archery pronghorn season was nine days long from 1985 to 2004, and included the two weekends prior to the firearm season. Since 2005, the archery season has reopened on the Saturday following the firearm season and continued through the end of October. A muzzleloader season was initiated in 2001. It has begun immediately after the archery season and ran for eight days, the last four of which overlap with the firearm season. With the exception of annual adjustments in permit allocations, this regulation has basically been unchanged since 2006.

**Discussion & Recommendations**

No changes are recommended for season structure, bag limits, or permits.

We propose unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents.

The proposed permit allocations are:

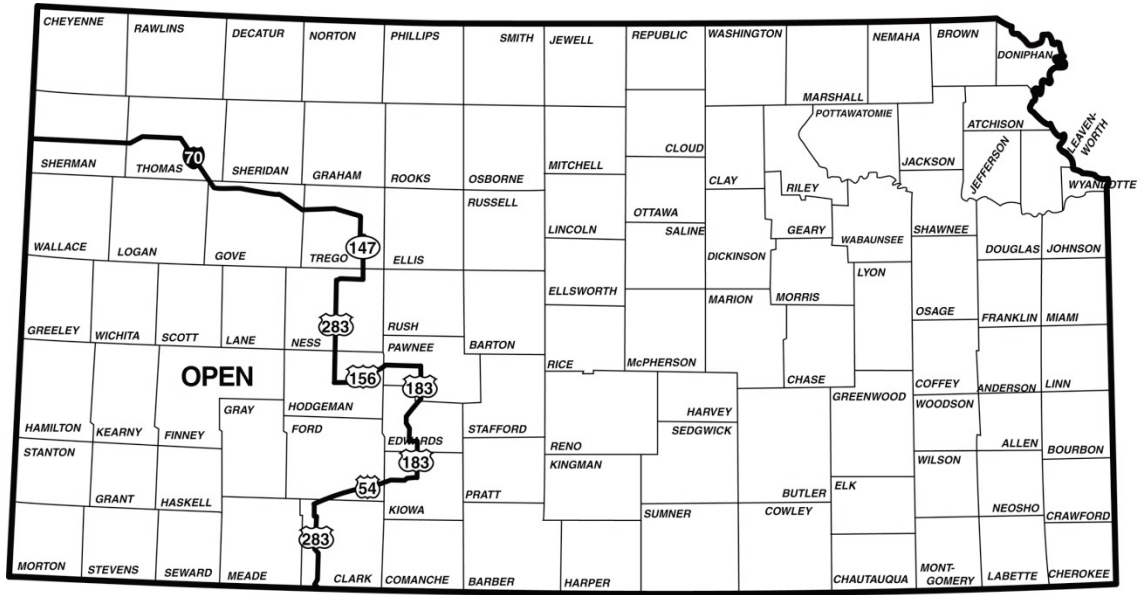
Unit 2 – 122 firearms permits and 34 muzzleloader permits  
Unit 17 – 44 firearms permits and 10 muzzleloader permits  
Unit 18 – 14 firearms permits and 6 muzzleloader permits

The proposed season dates are:

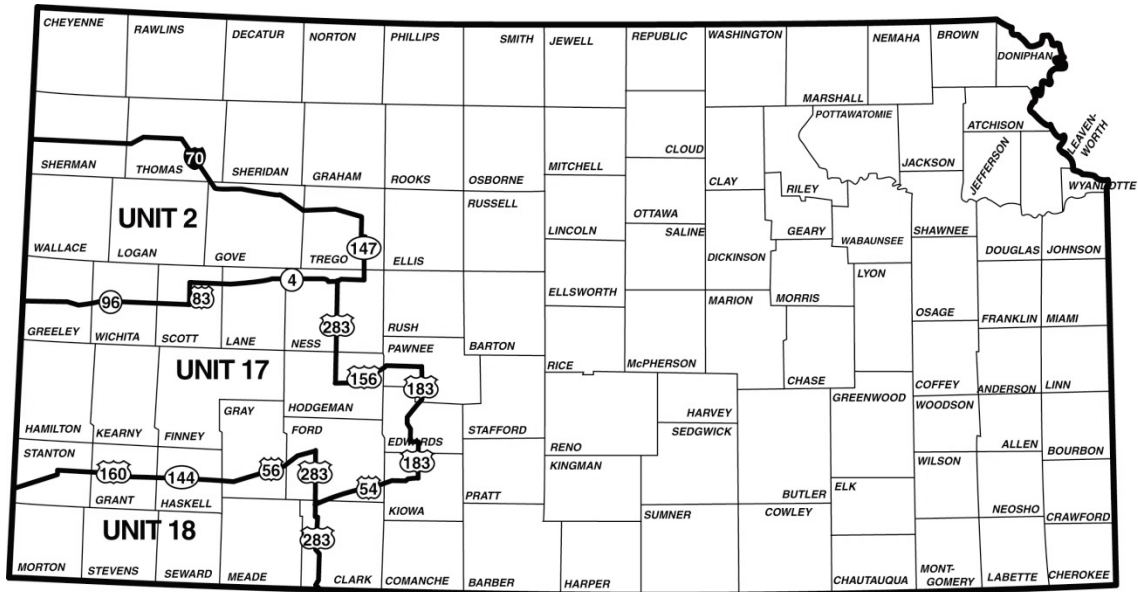
Archery season - September 22-30, 2018 and October 13-31, 2018  
Muzzleloader season - October 1-8, 2018  
Firearms season - October 5-8, 2018



## Archery Pronghorn Unit



## Firearm, Muzzleloader Pronghorn Units



## **KAR 115-25-8**

### **Elk; open season, bag limit and permits**

#### **Background**

This regulation pertains to seasons, bag limits, unit boundaries, permits and tags for elk hunting.

Elk were first reintroduced onto Fort Riley in 1986, and a hunting season was initiated in 1990. Most of the hunting opportunity in the state occurs on the Fort. However, elk do exist on private lands, though unpredictably, in most of the state, with parts of southwest Kansas being the main exception. Elk also occur in the vicinity of Cimarron National Grasslands, but these elk are primarily found in neighboring states, and the Grasslands have been closed to elk hunting since 1995, following several years of heavy harvest pressure.

In most of the state, a 6.5-month-long hunting season and unlimited permitting options have been authorized to allow elk that may be causing crop damage or other conflicts on private land to be harvested. The intent is to provide landowners the opportunity to maintain elk at desirable numbers on their own property while at the same time allowing the Fort Riley and Cimarron herds to be maintained.

#### **Discussion & Recommendations**

No changes are recommended for this season in bag limits or permit types. Unit boundaries are defined in K.A.R. 115-4-6b. Units 2 and 3 will be open to hunting. The addition of an August 1-31 firearms season in Units 2 (excluding 2a, Fort Riley) and 3 is proposed in order to better address damage situations. Other aspects of season structure are unchanged.

The proposed season dates on Fort Riley are:

- a) September 1-30, 2018 for a season in which both muzzleloader and archery equipment may be used.
- b) October 1-December 31, 2018 for the firearms season.
  - a. Any elk permits are valid during all three months.
  - b. One-third of the antlerless only permits valid during each of the following segments:
    - 1) First segment: October 1-31, 2018.
    - 2) Second segment: November 1-30, 2018.
    - 3) Third segment: December 1-31, 2018.

The proposed season dates outside the boundaries of Fort Riley are:



## **KAR 115-4-6**

### **Elk; management units.**

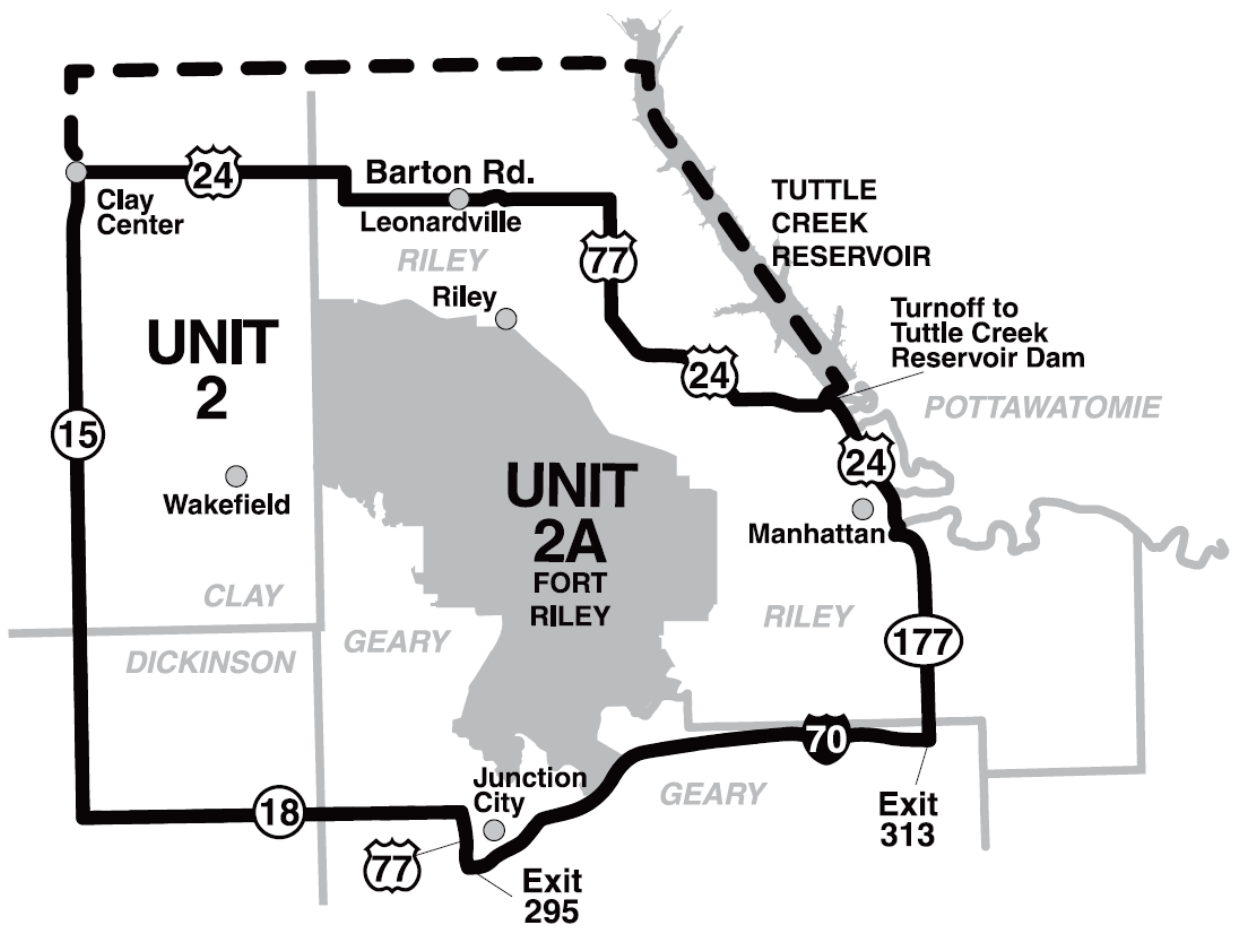
#### **Background**

This regulation establishes elk management units.

The Department's current management strategy for elk is to provide a season structure for landowners to maintain elk at desirable numbers on their own property using legal hunting while at the same time allowing the Fort Riley and Cimarron Nation Grasslands (CNG) herds to be maintained. Since 2006, units surrounding the Fort and CNG have provided additional protection to these herds. The three existing management units were established in 2011.

#### **Discussion & Recommendations**

This summer, we had a couple crop damage complaints about elk that are staying north of Highway 24 and south of 22<sup>nd</sup> Road (the Green/Randolph Road) within the Fort Riley buffer area. The buffer was intended to provide additional protection for Fort Riley elk, but these elk are permanently residing on private land miles from Fort Riley. In order to provide landowners more options in reducing this herd, we would like to move the unit boundaries so that the location in question is shifted into Unit 3, allowing unlimited general resident permits. A minimum buffer of several miles will still be maintained around the Fort, and we don't believe this change will impact elk residing primarily on the Fort.



# Public Hearing

Document No. \_\_\_\_\_

KANSAS REGISTER  
SUBMISSION FORM

Agency Number -- 710-01

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

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

Topeka, Kansas 66612-1233

Title of Document -- Public Hearing

Desired Date of Publication - February 15, 2018

**ITEMS SUBMITTED IN DUPLICATE**

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson  
Liaison officer's typed name

\_\_\_\_\_  
Liaison officer's signature

Department Attorney  
Title

(785) 296-2281  
Phone

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## Wildlife, Parks, and Tourism Commission

### Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, March 22, 2018 at the Kansas State Historical Society, 6425 SW 6th Ave, Topeka, Kansas to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks, and Tourism Commission will begin at 1:00 p.m., March 22 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. March 23 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulation.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to [sheila.kemmis@ks.gov](mailto:sheila.kemmis@ks.gov) if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

The regulation that will be heard during the regulatory hearing portion of the meeting is as follows:

**K.A.R. 115-25-9.** This exempt administrative regulation establishes the open season, bag limits and permits for deer. The proposed version of the regulation updates the season dates and antlerless season units.

**Economic Impact Summary:** The proposed version of the regulation would generate approximately \$13,000,000, all of which would accrue to the wildlife fee fund. Otherwise, the proposed version of the regulation is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulation and its respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at [www.kdwpt.state.ks.us](http://www.kdwpt.state.ks.us), or by calling (785) 296-2281.

Gerald Lauber, Chairman



STATE OF KANSAS

**RANEY L. GILLILAND**  
Director  
**MELISSA S. RENICK**  
Assistant Director for Research  
**J. G. SCOTT**  
Assistant Director for Fiscal Affairs  
**AMY DECKARD**  
Assistant Director for Information Management



**STAFF**  
LEGISLATIVE COORDINATING COUNCIL  
INTERIM COMMITTEES  
STANDING COMMITTEES  
**LEGISLATIVE INQUIRIES**

**KANSAS LEGISLATIVE RESEARCH DEPARTMENT**

Room 66-West — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504  
PHONE (785) 296-3181 ♦ FAX (785) 296-3824 ♦ TTY (785) 296-3677  
INTERNET: <http://www.kslslegislature.org/kldr> E-MAIL: [kslslegres@kldr.ks.gov](mailto:kslslegres@kldr.ks.gov)

March 7, 2018

Robin Jennison, Secretary  
Department of Wildlife, Parks and Tourism  
1020 S. Kansas Avenue, Room 200  
Topeka, KS 66612-1327

Dear Secretary Jennison:

At its meeting on March 5, 2018, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning KAR 115-25-9, deer, open season, bag limit, and permits. After discussion, the Committee had no comments.

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

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

To assist in that final review, please inform the Committee and me, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State of any and all changes that have been made following the public hearing. Please notify the Committee and me, in writing, when your agency has adopted the regulations as permanent, delayed implementation of the regulations, or decided not to adopt any of the regulations.

Also, please indicate separately to the Committee and me any changes made to the proposed regulations reviewed by the Committee.

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

Sincerely,



Raney L. Gilliland, Director

RLG/kal

**115-25-9. Deer; open season, bag limit, and permits.** (a) The open season for the taking of deer shall be as follows:

(1) Archery season.

(A) The archery season in all deer management units shall be September 17, 2018 through December 31, 2018.

(B) Archery deer permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2019 and extending through the last open day in units open during an extended firearm season and shall be valid with any legal equipment authorized during a firearm season, but shall be valid only for antlerless white-tailed deer during those dates.

(C) The number of archery deer permits based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(D) The urban antlerless-only white-tailed deer archery season shall begin on January 14, 2019 and extend through January 31, 2019 in all units designated as an urban deer management unit.

(2) Firearm season.

(A) The regular firearm season dates in all deer management units shall be November 28, 2018 through December 9, 2018.

(B) The pre-rut white-tailed deer antlerless-only season in all deer management units shall be October 6, 2018 through October 8, 2018.

(C) During the regular and extended firearm deer seasons, white-tailed either-sex deer permits issued for a deer management unit adjacent to or encompassing an urban deer management unit shall be valid in both the designated unit and the urban deer management unit.

(D) The number of firearm deer permits for each management unit based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season in all deer management units shall be September 17, 2018 through September 30, 2018. Muzzleloader deer permits shall also be valid during established firearm seasons using muzzleloader equipment, except that during the portion of the extended firearm season beginning on January 1, 2019 and extending through the last open day in units open during an extended firearm season, these permits shall be valid with any legal equipment authorized during a firearm season. During an extended firearm season, only muzzleloader deer permits for deer management units open during these dates shall be valid, and only for antlerless white-tailed deer.

(B) The number of muzzleloader deer permits issued for each management unit based on a review of deer population indices, biological and ecological data, history of permit use and harvest rates, public input, and other relevant information shall be as established by the secretary with the concurrence of the commission.

(4) Season for designated persons.

(A) The season for designated persons to hunt deer shall be September 8, 2018 through September 16, 2018 in all deer management units.

(B) Only the following persons may hunt during this season:

(i) Any person 16 years of age or younger, only while under the immediate supervision of an adult who is 18 years of age or older; and

(ii) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4 or a disability assistance permit issued according to K.A.R. 115-18-15.

(C) All resident and nonresident deer permits shall be valid during this season.

(D) All persons hunting during this season shall wear blaze orange according to K.A.R. 115-4-4.

(5) Extended firearm seasons.

(A) Each unfilled deer permit valid in unit 6, 8, 9, 10, 16, or 17, as applicable, shall be valid during an extended antlerless-only firearm season on January 1, 2019 in those units.

(B) Each unfilled deer permit valid in units 1, 2, 3, 4, 5, 7, 11, 13, or 14, as applicable, shall be valid during an extended antlerless-only firearm season beginning January 1, 2019 and extending through January 6, 2019 in those units.

(C) Each unfilled deer permit valid in units 10A, 12, 15, or 19 as applicable, shall be valid in an extended antlerless-only firearm season beginning January 1, 2019 and extending through January 13, 2019 in those units.

(D) Only antlerless white-tailed deer may be taken.

(E) Permits restricted to a specific unit shall remain restricted to that unit during the extended firearm season.

(F) Equipment legal during a firearm season shall be authorized with any permit.

(b) Unlimited resident hunt-on-your-own-land, special hunt-on-your-own-land, and nonresident hunt-on-your-own-land deer permits shall be authorized for all units. These permits also shall be valid during the portion of the extended firearm season beginning on January 1, 2019 and extending through the last open day in units open during an extended or special extended firearm season, but shall be valid only for antlerless white-tailed deer during an extended or special extended firearm season.

(c) Any individual may apply for and obtain multiple deer permits, subject to the following limitations:

(1) Any individual may apply for or obtain no more than one deer permit that allows the taking of an antlered deer, except when the individual is unsuccessful in a

limited quota drawing and alternative permits for antlered deer are available at the time of subsequent application.

(2) Any individual may obtain no more than five antlerless white-tailed deer permits. One antlerless white-tailed deer permit shall be valid statewide, except in unit 18, including lands managed by the department. Four additional antlerless white-tailed deer permits shall be valid in units 1, 2, 3, 4, 5, 7, 10A, 11, 12, 13, 14, 15, and 19 on lands not managed by the department, except Glen Elder, Kanopolis, Lovewell, Norton, Webster, and Wilson Wildlife Areas and Kirwin National Wildlife Refuge.

(3) Any resident may obtain no more than one either-species, either-sex permit through the application period described in K.A.R. 115-4-11.

(4) Nonresidents shall be eligible to obtain antlerless white-tailed deer permits. Otherwise, a nonresident shall be eligible to apply for and obtain only those permits designated as nonresident deer permits.

(5) No resident or nonresident shall purchase any deer permit that allows the taking of antlerless-only deer without first having obtained a deer permit that allows the taking of antlered deer, unless the antlerless-only deer permit is purchased after December 30, 2018.

(6) Any individual may obtain one antlerless-only either-species deer permit, subject to the number of antlerless-only either-species deer permits authorized.

(d) The bag limit for each deer permit shall be one deer, as specified on the permit issued to the permittee.

(e) No deer permit issued pursuant to this regulation shall be valid after January 31, 2019.

(f) This regulation shall have no force and effect on and after March 1, 2019.

(Authorized by and implementing K.S.A. 2017 Supp. 32-807 and K.S.A. 2017 Supp. 32-937.)



## **ECONOMIC IMPACT STATEMENT**

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

**DESCRIPTION:** The proposed exempt regulation establishes hunting bag limits, application periods and season dates for the 2018-2019 firearm, muzzleloader and archery deer seasons. There are few changes from 2017-2018 seasons. Season dates are adjusted to coincide with the calendar and the antlerless season units are updated.

**FEDERAL MANDATES:** None

**ECONOMIC IMPACT:** If the economic impact to the department, the general public, small business and other agencies from the 2018-19 seasons were to be similar to the estimate for the 2017-2018 seasons, total revenue to the department from the sale of all resident, nonresident, and landowner/tenant deer permits is estimated to be approximately \$13,000,000.00.

Approximately 575,000 days of hunting activity by 115,000 hunters are anticipated. A survey conducted by the U.S. Fish and Wildlife Service estimated that big game hunters spent approximately \$1100 per year on trip and equipment expenditures, thus the 2018-19 deer seasons in Kansas are anticipated to generate approximately \$126.5 million worth of direct economic benefit to businesses providing big game goods and services. No other economic impact to state agencies, small businesses, or other individuals is anticipated.

**ALTERNATIVES CONSIDERED:** None.



**SECRETARY'S ORDERS**  
**2018 DEER SEASON PERMIT QUOTAS**

The Secretary of the Kansas Department of Wildlife Parks, and Tourism, as authorized by K.A.R. 115-25-9, hereby establishes the 2018 deer season permit quotas in the following deer management units:

**2018 RESIDENT DEER SEASON PERMIT QUOTAS**

**ANTLERED DEER PERMITS**

STATEWIDE; ARCHERY ONLY:

Either Species Either Sex..... open availability <sup>c</sup>

STATEWIDE; ARCHERY, FIREARMS & MUZZLELOADER:

White-tailed Deer Either Sex..... open availability <sup>c</sup>

HUNT-ON-YOUR-OWN-LAND; UNITS 1-19:

Either Species Either Sex..... open availability <sup>c</sup>

WESTERN MULE DEER; UNITS 1, 2, 17, & 18:

Firearms Either Species Either Sex ..... 1425 <sup>c</sup>

Muzzleloader Either Species ..... open availability <sup>c</sup>

EASTERN MULE DEER; UNITS 3, 4, 5, 7, & 16:

Firearms Either Species Either Sex ..... 500 <sup>c</sup>

Muzzleloader Either Species ..... open availability <sup>c</sup>

**ANTLERLESS DEER PERMITS**

HIGH PLAINS; UNIT 1:

Whitetail Antlerless Only ..... <sup>a & b</sup>

SMOKY HILL; UNIT 2:

Whitetail Antlerless Only ..... <sup>a & b</sup>

KIRWIN-WEBSTER; UNIT 3:

Whitetail Antlerless Only ..... <sup>a & b</sup>

KANOPOLIS; UNIT 4:

Whitetail Antlerless Only ..... <sup>a & b</sup>

PAWNEE; UNIT 5:

Whitetail Antlerless Only ..... <sup>a & b</sup>

MIDDLE ARKANSAS; UNIT 6:

Whitetail Antlerless Only ..... <sup>a</sup>

SOLOMON; UNIT 7:

Whitetail Antlerless Only ..... <sup>a & b</sup>

REPUBLICAN; UNIT 8:

Whitetail Antlerless Only ..... <sup>a</sup>

TUTTLE CREEK; UNIT 9:

Whitetail Antlerless Only ..... <sup>a</sup>

KAW; UNIT 10:

Whitetail Antlerless Only ..... <sup>a</sup>

OSAGE PRAIRIE; UNIT 11:

Whitetail Antlerless Only ..... <sup>a & b</sup>

CHAUTAUQUA HILLS; UNIT 12:

Whitetail Antlerless Only ..... <sup>a & b</sup>

LOWER ARKANSAS; UNIT 13:

Whitetail Antlerless Only ..... <sup>a & b</sup>

FLINT HILLS; UNIT 14:

Whitetail Antlerless Only ..... <sup>a & b</sup>

NINNESCAH; UNIT 15:

Whitetail Antlerless Only ..... <sup>a & b</sup>

RED HILLS; UNIT 16:

Whitetail Antlerless Only ..... <sup>a</sup>

WEST ARKANSAS; UNIT 17:

Whitetail Antlerless Only ..... <sup>a</sup>

CIMARRON; UNIT 18:

KANSAS CITY URBAN; UNIT 19:

Whitetail Antlerless Only ..... <sup>a & b</sup>

<sup>a</sup> One WTAO permit valid statewide, except DMU 18, and on KDWP public hunting areas.

<sup>b</sup> Four additional WTAO permits valid only on private lands and wildlife areas specified in K.A.R. 115-25-9.

<sup>c</sup> Antlered deer permit option, one per hunter.

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**2018 NONRESIDENT DEER SEASON PERMIT QUOTAS**

HIGH PLAINS; UNIT 1:

Whitetail Either Sex.....	850
Choice of Archery, Muzzleloader, or Firearms	
Mule Deer Stamp.....	50
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

SMOKY HILL; UNIT 2:

Whitetail Either Sex.....	466
Choice of Archery, Muzzleloader, or Firearms	
Mule Deer Stamp.....	40
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

KIRWIN-WEBSTER; UNIT 3:

Whitetail Either Sex.....	1002
Choice of Archery, Muzzleloader, or Firearms	
Mule Deer Stamp.....	20
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

KANOPOLIS; UNIT 4:

Whitetail Either Sex.....	542
Choice of Archery, Muzzleloader, or Firearms	
Mule Deer Stamp.....	5
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

PAWNEE; UNIT 5:

Whitetail Either Sex.....	707
Choice of Archery, Muzzleloader, or Firearms	
Mule Deer Stamp.....	10
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

MIDDLE ARKANSAS; UNIT 6:

Whitetail Either Sex.....	538
Choice of Archery, Muzzleloader, or Firearms	
Whitetail Antlerless Only .....	<sup>a</sup>

SOLOMON; UNIT 7:

Whitetail Either Sex.....	1603
Choice of Archery, Muzzleloader, or Firearms	
Mule Deer Stamp.....	2
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

REPUBLICAN; UNIT 8:

Whitetail Either Sex.....	1940
Choice of Archery, Muzzleloader, or Firearms	
Whitetail Antlerless Only .....	<sup>a</sup>

TUTTLE CREEK; UNIT 9:

Whitetail Either Sex.....	981
Choice of Archery, Muzzleloader, or Firearms	
Whitetail Antlerless Only .....	<sup>a</sup>

KAW; UNIT 10:

Whitetail Either Sex.....	1252
Choice of Archery, Muzzleloader, or Firearms	
Whitetail Antlerless Only .....	<sup>a</sup>

OSAGE PRAIRIE; UNIT 11:

Whitetail Either Sex.....	3253
Choice of Archery, Muzzleloader, or Firearms	
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

CHAUTAUQUA HILLS; UNIT 12:

Whitetail Either Sex.....	2132
Choice of Archery, Muzzleloader, or Firearms	
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

LOWER ARKANSAS; UNIT 13:

Whitetail Either Sex.....	621
Choice of Archery, Muzzleloader, or Firearms	
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

FLINT HILLS; UNIT 14:

Whitetail Either Sex.....	1934
Choice of Archery, Muzzleloader, or Firearms	
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

NINNESCAH; UNIT 15:

Whitetail Either Sex.....	1405
Choice of Archery, Muzzleloader, or Firearms	
Whitetail Antlerless Only .....	<sup>a &amp; b</sup>

<sup>a</sup> One WTAO permit valid statewide, except DMU 18, and on KDWP public hunting areas.

<sup>b</sup> Four additional WTAO permits valid only on private lands and wildlife areas specified in K.A.R. 115-25-9.

<sup>c</sup> Antlered deer permit option, one per hunter.

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**2018 NONRESIDENT DEER SEASON PERMIT QUOTAS (Continued)**

RED HILLS; UNIT 16:

Whitetail Either Sex..... 1795  
Choice of Archery, Muzzleloader, or Firearms  
Mule Deer Stamp..... 5  
Whitetail Antlerless Only .....<sup>a</sup>

WEST ARKANSAS; UNIT 17:

Whitetail Either Sex..... 562  
Choice of Archery, Muzzleloader, or Firearms  
Mule Deer Stamp..... 50  
Whitetail Antlerless Only .....<sup>a</sup>

CIMARRON; UNIT 18:

Whitetail Either Sex..... 233  
Choice of Archery, Muzzleloader, or Firearms  
Mule Deer Stamp..... 20

KANSAS CITY URBAN; UNIT 19:

Whitetail Antlerless Only .....<sup>a & b</sup>  
Any non-resident deer hunter with a whitetail either sex deer permit valid in Unit 9, 10, 11 or 14 may also hunt in unit 19.

HUNT-ON-YOUR-OWN-LAND;

UNITS 1-19:

Either Species Either Sex.....<sup>c</sup>

\_\_\_\_\_ Secretary

\_\_\_\_\_ Date

<sup>a</sup> One WTAO permit valid statewide, except DMU 18, and on KDWPT public hunting areas.

<sup>b</sup> Four additional WTAO permits valid only on private lands and wildlife areas specified in K.A.R. 115-25-9.

<sup>c</sup> Antlered deer permit option, one per hunter.