

AGENDA
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
COMMISSION MEETING AND PUBLIC HEARING
Thursday, September 24, 2020
Virtual Zoom Meeting

Interested parties may participate in the Sept. 24, 2020 meeting through one of three following methods:

A) Log Into Zoom

1. Visit https://zoom.us/meeting/register/tJYtd-2gpzMjG9d_a05ScDBhi60j6GXEcVXE
2. Register by entering your first and last name, and email address.
3. Once registered, you will be provided a link to “join the meeting.”
4. Visitors will be muted upon entering the meeting. To comment or ask a question, use the “raise hand” feature or type into the chat area.

B) Call In

1. Call: 1-877-853-5257
2. When a meeting ID is requested, enter: 92004898913#
3. When a participant ID is requested, enter: #
4. For comments or questions, email: kdwpt.kdwptinfo@ks.gov

C) Watch Live Video/Audio Stream

1. Individuals may watch a live video/audio stream of the meeting on <https://ksoutdoors.com/commission-meeting>

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

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

IV. APPROVAL OF THE August 20, 2020 MEETING MINUTES

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

VI. DEPARTMENT REPORT

A. Secretary’s Remarks

1. Agency and State Fiscal Status (Brad Loveless)

B. General Discussion

1. Antelope and Elk 25-Series Regulations (Matt Peek)
2. Outdoor Mentors Update (Mike Christensen/Brittany Waldman)

C. Workshop Session

1. Park Regulations (Linda Lanterman)

2. **Fishing Regulations (Doug Nygren)**
3. **Public Land Cabin Rates (Stuart Schrag)**
4. **Big Game Regulations (Levi Jaster)**
5. **Deer 25-Series Regulations (Levi Jaster)**
6. **Big Game and Wild Turkey Legal Equipment and Taking Methods (Kent Fricke)**

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 115-14-12. Falconry; permits, applications, and examinations (Jake George)**

2. **KAR 115-14-13. Falconry; facilities, equipment, care requirements, and inspections (Jake George)**

3. **KAR 115-14-14. Falconry; taking, banding, transporting, and possessing raptors (Jake George)**

XII. OLD BUSINESS

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

XIV. ADJOURNMENT

If necessary, the Commission will recess on September 24, 2020, to reconvene September 25, 2020, 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 November 19, 2000 at the Buffalo Bill Cultural Center, 3083 US Hwy 83, Oakley, Kansas.

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, August 20, 2020
Zoom Meeting**

Subject to
Commission
Approval

The August 20, 2020 meeting of the Kansas Wildlife, Parks and Tourism Commission was called to order by Chairman Gerald Lauber at 1:30 p.m. Chairman Lauber and Commissioners Emerick Cross, Gary Hayzlett, Warren Gfeller, Lauren Sill and Troy Sporer were present.

Aaron Rider expected to attend later in the afternoon.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

The Commissioners and department staff introduced themselves (Attendance Roster – Exhibit A).

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Federal Ammunition wants to give a brief presentation after Levi’s big game regulations (Agenda – Exhibit B).

IV. APPROVAL OF THE June 25, 2020 MEETING MINUTES

Commissioner Gary Hayzlett moved to approve the minutes, Commissioner Warren Gfeller second. *Approved* (Minutes – Exhibit C).

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Chris Tymeson, general counsel – People have to identify themselves when they speak as we have people on the phone as well.

Chairman Lauber – Invite, encourage and welcome public comments on non-agenda items.

None

VI. DEPARTMENT REPORT

B. General Discussion

1. Big Game Regulations – Levi Jaster, big game biologist, presented these regulations to the commission (Exhibit D, Slides – Exhibit E). August is when we generally introduce these to allow for public comment. KAR 115-4-2, general provisions for big game; last year we changed the proof of sex for antlerless deer and elk permit holders to allow hunters to voluntarily help prevent spreading chronic wasting disease (CWD). This allowed them to leave the head and

spine at site of harvest rather than leave it connected to the carcass during transport just to prove sex. No changes proposed this year. On 115-4-4, legal equipment for big game; last year added drawlock devices to archery equipment to clean up regulations and not make one or two people get those special permits each year. No changes proposed this year. 115-4-6, deer management units; changed last year to expand Unit 19 to have more uniformity of management objectives and actions and simplify the boundary. Need to propose change to clean up portion of the boundary -- missing name of a road. Working with Chris Tymeson on that. 115-4-11, Big game and turkey permit applications – no changes proposed. 115-4-13, deer permit descriptions and restrictions, starting in 2016 we didn't offer any either-species antlerless-only deer permits due to concerns with mule deer populations, plan to continue doing that, population while stable it hasn't recovered across the range. No proposed change to this regulation. In 25-series we set season dates. Calendar showing days proposed (Exhibit E). Not doing anything outside of what we have done in past season and following traditional seasons. Considering three lengths of January whitetail antlerless-only (WAO) seasons by units, 9 days, 16 days, and 23 days. The proposed season dates suggested for deer hunting during 2021-22 are as follows: Youth and Disability, September 4-12, 2021; Early Muzzleloader, September 13-26, 2021; Archery, September 13, 2021 through December 31, 2021; Pre-Rut WAO Firearm, October 9-11, 2021; Regular Firearm, December 1-12, 2021; First Extended WAO, January 1-9, 2022; Second Extended WAO, January 1-16, 2022; Third Extended WAO, January 1-23, 2022; and Extended Archery (DMU 19), January 24-31, 2022. Commissioner Sporer – What is department's thought on having youth and disabled season so early in September? Jaster – In some years, good weather, before fall sports and before other hunters are out and gives them the first chance at it. Also enables whoever is taking them time because they can't hunt so they tend to be free during that season so don't have to give up an opportunity themselves. Commissioner Sporer – Receiving lots of complaints that crops are still out and young hunters not very successful. Chairman Lauber – Hear comments from muzzleloader hunters about the same thing. Everyone wants it cooler and try to give the youth a time when they don't have the competition and game not spooked. May rethink that because is hot sometimes. Commissioner Sporer – Complaint in western part of state is crops are still in the field and makes hunting more challenging. They have not said anything about hot or too hot but height of the crop not allowing the kids to be successful. Assistant Secretary Miller – When we set those seasons originally, we were trying to give youth the first shot at it before deer had been hunted and a lot of times disabled hunters can't handle cold weather, so we like them to be earlier. There may be better options, but this is traditional season we set; we can always look at better ways. Commissioner Sporer – When was that? Assistant Secretary Miller – About 2000. Commissioner Sporer – Large change to dryland crops in the west since then. Commissioner Sill – Appreciate kids getting first chance and heat does make a difference as well as the crops, as well as changes in deer behavior. Archers tend not to move deer around too much, perhaps something to consider, after muzzleloader season give the deer a break for a week and look at timeframe just prior to the whitetail antlerless weekend or something like that. Archers may not be thrilled about having youth out there during that week, but I think they would realize it might be worth it to encourage young people so might be willing to share that space on the calendar. And possibly increase the chance for youth to be successful. Agree, while well founded in the beginning, may need to be looked at and another option tried. Secretary Loveless – What data do we have in terms of surveys? In terms of numbers in participation in those two groups? Feedback on preferences? Jaster – We can look at number of youth permits sold. Can't contact youth under 16 for harvest survey information,

against the law. Could go back to older surveys before that was in effect. We can also look through previous comments from past few years and see if any of our survey respondents made comments about kids hunting. Secretary Loveless – A lot of variables and preferences. I like idea of keeping this conversation going and make adjustments as we get new data. Cropping and timing has changed. Need to look at with fresh perspective. Chairman Lauber – Another option might be split youth season. Hold off on CWD for now and have other presentations.

Jon Zinnel, Federal Premium Ammunition, Youth and Shooting Sports Manager – (PowerPoint - Exhibit F) – Here to talk about Fire Stick system, which is a new muzzleloader ignition system that we brought to market the beginning of this year. Our engineers have been working on this for eight years, which is standard timeline for bringing new products to market. Saw this as a want and need based on consumers. Built great system and researched muzzleloading history. Some of inconsistencies, complexities and barriers set forth for bringing new folks into the field for muzzleloader hunting. When I work with R3 programs with state agencies and NGOs across the country, the muzzleloader season is a great opportunity for big game hunting and taking those kids out. A lot of times the seasons are multiple weekends and opportunities to hit the field with less folks. Fire Stick system is unique breach system. The polymer case is loaded at factory in our facility in Minnesota and is encapsulated. We use Hodgdon Triple Eight powder, which is a Kansas company, so we proudly partnered with them as well as Traditions Firearms. It does have a breakable front plastic that holds powder in there. It comes unprimed, so you will have to insert your own primer into them and shipped differently than normal ammunition. Built to be loaded through the breach with propellant only, projectile is still loaded through the muzzle. There is a constrictor ring that is built into the barrel so 100 percent has to be loaded with projectile through the muzzle, no possible way to load projectile through the breach. Some muzzleloaders on the market today can be loaded through the breach, this is not the case here. A lot of benefits to this, a lot of which I talk a lot on R3 side with new hunters and shooters. It is safe, easy removal in the field if crossing a fence or going in or out of stands, consistency of load because loaded in our manufacturing facility, similar to our ammunition that has tight tolerances. It eliminates that risk and challenges of undercharging or overcharging your muzzleloader. It is impervious to moisture so can store for a long time; don't have to worry about humidity or burn rates if trying to dial it in. Several different preloaded charges will be available. Questions from other states is on updating and clarifying regulations. How does it work? Safety is on, load projectile through the muzzle with a ramrod, open muzzleloader at the breach, hinge action similar to over/under type shotgun, hinge action open, insert Fire Stick capsule, load standard 209 primer into capsule and close the muzzleloader, hammer back, safety off and pull the trigger. Showed cut-away photos. I have been working with the Minnesota DNR since prior to the North American conference. They wanted to update their muzzleloader regulations as well as an amendment for unloaded firearm definition. Worked with DNR on language, got co-authors from House and Senate and it was making its way through the legislative process. With challenges of Covid and other things going in Minnesota, action was not taken on any environmental bills, so looking at 2021 change. Working with several other states who have it confirmed for 2020 hunting season this fall. Packages for immediate launch in January at SHOT show, there were two load charges, 100-grain load charge which is orange and 120 grains is red. We have ability to work on some additional charges, 80-grain and 150-grain. The two we have will start to hit markets this fall. This is a partnership with Federal Premium, we have Fire Stick and system; Hodgdon Powder has triple eight powder that is loaded into the capsules and Traditions are

making the firearms, the only one capable of shooting this system is their NitroFire, they are also starting to ship products through their consumer bases. In 2021, the potential for other manufactures to start to manufacture firearms and muzzleloaders capable of utilizing this system. Chairman Lauber – What states allow Fire Stick technology? Zinnel – About a dozen states, including MT, WY that don't have specific muzzleloader seasons; SD, IA, OK, MI, OH, KY, AL, GA, VT, NY, NJ and MD. Highlight Ohio as state with very restrictive muzzleloader definition in place, it had to have a threaded breach plug in place for big game hunting; they went through legislative process this year and got that changed. We have a dozen more states working through the process for 2021. As you know there is a timeline in place when it comes to making regulation changes; going to process of answering questions through commissions and public forum. Commissioner Sporer – What is range on this firearm? Zinnel – Doesn't change the range, as far as enhancements, but increased accuracy because of consistency of the powder, same sabots or bullets as you would use otherwise, no enhancements on yardage. Chairman Lauber – Read about this in *American Hunter* I received a few days ago, see advantages and see there will be two sides to the issue. Don't know what our next step is. Thanks for educating us. Nadia Reimer, public affairs chief – Have comment from public in Chat room. Greg says, first off I work in product manufacturing and sales and love innovation from Federal. This serves as perfect example of innovation that gives the hunter an additional edge and puts game at disadvantage. Please remember big deer aren't an unlimited resource. Thanks for your time.

Steve Scott (PowerPoint photos – Exhibit G) – Support of using air guns as legal means of take for big game. I am the host of a television series called Safari Hunters Journal. I have hunted in Africa and around the world extensively and over the last couple of years I have used a product from Umarex called the Hammer. It is a 50-caliber pcp air rifle. I have taken a fair amount of fairly large game to demonstrate the efficacy. This rifle shoots a projectile anywhere between 250 to 550 grains, different levels of hardness of the bullets. It can take cape buffalo, whitetail deer and coyotes. This is now in factory production and relatively inexpensive. The reason I am here to speak about this is I want to prove to you this is an ethical weapon to harvest game in the U.S., specifically Kansas. More importantly this is a tool that can be used by people who may not normally be hunters or may keep people in the hunting game and selling more hunting licenses down the road. This is not a firearm; this is an air rifle. It is powerful but not fire and gun powder and explosion that occurs with a traditional centerfire or black powder rifle. It is in production and can be used effectively. (Showed photos of large animals taken with the air rifle and explained what they are, etc., Exhibit G). It has somewhat limited range, not much more than 125 to 150 yards, similar to black powder rifle; in a lot of ways like bow or crossbow because typically range is going to be less than 100 yards. This is another tool we can use to bring new hunters into the game that is safe and doesn't have some of the negatives of a firearm and can be used by people that may have not been hunters before. Secretary Loveless – Understand discussion about potential recruitment of new hunters who didn't want to use a firearm previously. In your data, what fraction of air gun owners are new hunters? I know of some, but they are all experienced hunters, just a new thing to try. What percentage of folks that use air guns exclusively have taken up hunting as a result? Scott – Very few at this time because the people who have been doing big game air gun hunting create their own weapon. This is the first factory weapon and only in distribution the last three months and it will take several months to clear the backorders. I expect most people on that list are experienced hunters. Down the road this will be an option. There may be a lot of hunters that don't have the same thrill when hunting

and this brings in an element of uncertainty and limitation. Have to be a better hunter to harvest at close range with an air gun, than something you can shoot 800-900 yards. Chairman Lauber – With 250 to 300 grain bullets, what is muzzle velocity? Scott - With 350 grain bullets, 300 is legal for dangerous game in Africa in most countries, we used 350 grain with 24 I believe, and velocity was 946 feet per second, it is big and slow but has enough terminal energy to do the damage that needs to be done. Smaller bullets go a little faster. Chairman Lauber – Single shot rifles? Scott – Actually the Hammer has a two round magazine, with the maximum pressure in the onboard air tank is 4,500 psi. It takes 3,000 pounds of pressure for a full power shot, so 4,500 pounds of pressure you can have a second shot that would occur almost as fast as a centerfire rifle, a little slower process. The magazine moves as opposed to the bullet being inserted. You can get enough left after second shot to load a new magazine without recharging, to put the animal down. Chairman Lauber – When I hunt with centerfire I go with a pocket full of shells and hope to only shoot one. Sometimes an errant shot requires a continue effort to try finish off the animal. If you had to have three or four shots it is going to be a little tougher. No different I suppose than a hunter using a single shot weapon and not bringing enough ammunition. I have shot one of these in a controlled environment. They are different than what I thought was an air rifle. I have not had constituents asking to use these. Are these now covered by Pittman/Robertson Act as far as excise tax? Scott – I can't speak directly to the details of this but that was a concern that several people in the industry expressed and Umarex has negotiated a fee, effectively a Pittman/Robertson payment so this rifle is paying its way like any other rifle. Chairman Lauber – Not sure where we go with this. Have staff review this and see whether they can come up with a good reason to include it or not. Other than the fact that it is a novelty and a challenge, doesn't answer any problems that centerfires don't provide, but not for or against. We will have staff look at this. Jaster – Want to know what cost to be set up this to start entry? Scott – Retail on this rifle is about \$800, street price a little less. Comes down to where you get the air. Umarex created portable pumping device that they haven't marketed yet. What I do when I go to the range is bring a scuba bottle and put 3,200 pounds of pressure in the gun almost in perpetuity. Commissioner, you brought up multiple shots, which is a consideration. When I hunt I have a buddy bottle, a small carbon fiber tank that would allow for pressure for another five or six shots so that kind of solves the problem of harvesting animal if you don't make a perfect shot. With regard to total cost, between bullets and air about \$1,200 to \$1,500. The area I see this being taken up, aside from experienced hunters who want a new challenge. On the east coast, I am in Oklahoma, so this doesn't apply to us as much, but in a lot of places in the country whitetail deer are so overpopulated that they need to be controlled. In these Suburban-type settings you can't do that with a rifle. Sometimes there is opposition in cities to archery products because some shots aren't as good as they should be, and result can be negative. This takes element of variability out it is low impact weapon that could be used for culling purposes for these special hunts. I imagine this will become more prevalent in east than here. This is a niche item but there are places this could be put to good use. From personal experience, this is a lot of fun. Chairman Lauber – How many states allow this type of weapon to be used for big game? Scott – Not sure exactly but I think 20 or 21. Commissioner Sporer – Levi, the Fire Stick Federal is talking about, is that legal in Kansas today? If not, why not? Jaster – I think that would be a better question for Chris Tymeson. Chris Tymeson, Legal Counsel – 115-4-4 is the big game legal equipment regulation and both of these proposals would have to modify that regulation. The first one, the Fire Stick, requires components loaded through the muzzle of the barrel and we would have to change that portion of the regulation to say projectile loaded through the muzzle. In Mr. Scott's

proposal, we would have to come up with a definition of big game rifle and decide in what season it could be used. Secretary Loveless – We will be glad to review both of those items and report back at next commission meeting about staff discussion on those. Chairman Lauber – That would be fine. Commissioner Sill – Question for Mr. Zinnel, what happens if you load your bullet first and load Fire Stick through the breach and there is a gap between them? Is that a safety issue? Zinnel – There is a shelf built into the inside of the barrel and because of way the triple eight powder burns inside of the capsule you don't get the crud ring, so you are able to seat that bullet on the shelf consistently every time. I have shot them during stress tests, shot 20-30 rounds without cleaning and it still seats tight against that shelf. The shelf is built to give you the specific gap between the capsule and the actual projectile. One other safety aspect is, at end of season or day, you open muzzleloader and use ramrod to push from breach to muzzle and push projectile back out the other end. Without having traditional breach plug you would have to thread out, you can clean right through the actual barrel. Commissioner Sill – The Fire Stick is unique to a specific to gun? You can't use it in any inline muzzleloader? Zinnel – That is correct. It has to be used in a Fire Stick-compatible muzzleloader, which Traditions is the only company, as of now have a one-year exclusive as we went through the eight years of designing. After 2021 it will be open for other manufacturers. Traditions has price point muzzleloaders from \$400 range to \$1,200 range, multiple different models within that so fits any budget of folks. Commissioner Sill – That helps clarify it, thank you.

Chronic wasting disease (CWD) – Jaster (Map – Exhibit E) – The department is starting a research project for CWD. We need to get data on finer scale than we've collected in the past and tie it to deer habitat specifically and look at how CWD will move across areas in different habitat; to help sampling efforts and detect it earlier, which would give us more options management-wise. Also, this would provide a chance to let hunters know sooner when it has come into an area. Use different types of risk mapping to predict what happens if we have a new spot pop up in an area where we have not found it before. Recently we had a captive cervid facility test positive in eastern Kansas. Our sampling is going to occur by deer management units. In 2020/21 season sampling in east part of state, Units 9, 10, 11, 12, 13 and 14. This project is also going to allow us to provide sampling to hunters that will be paid by the project across more area than we normally would through regular rotation. Our normal sampling area zone this year is going to be most of Units 3, 4, 7 and 8 in northcentral part of state. With captive cervid facility testing positive, because already planning to sample in eastern part of Kansas, we will be able to put some focus into area where the facility was to see what is going on with wild deer herd in that area. This will be over three years. Next year will be southcentral and southwest section and regular monitoring efforts will be in eastern Kansas so will have a couple consecutive years of testing for that area. The third year will test in northwest, northcentral area. We hope hunters will participate and get samples for us through their hunter-harvested animals as well as taxidermists and processors and we may supplement with road kills in areas where we need numbers. Thanks to Nadia and her crew in Public Affairs we have a page on this in fall hunting regulations. Commissioner Cross – Levi, how will this be reported back out? How and when? Jaster – As we proceed through this we will have prevalence rates for deer management units, so I will be able to share that and also be able to put together some reports to provide maps. There is also money in the project for educational materials, like publications. Commissioner Gfeller – Which area has the bulk of the cases? Jaster – Units 1, 2 and 3, because that is where we have had CWD the longest. Commissioner Gfeller – Any reason why not

starting sampling in that area as opposed to eastern Kansas? Jaster - This year sampling in northcentral, sampled in northwest the year prior to that and this rotation allowed us to do sampling for this project without interfering with our current monitoring efforts, as far as overlapping units at the same time. In this case it doesn't matter as much that we are not getting same areas each year, want a good number across the state in each unit. Will definitely hit that area hard. If we are unfortunate enough to have some areas we have yet to detect CWD in because we do have certain areas we don't get high density of samples from. Hopeful this effort will help pick it up. Being able to do it all around the state is important. The big reason was it didn't interfere with our current monitoring efforts where we can maintain the data from those to keep trends rolling for consistency. Commissioner Sporer – You mentioned cost sharing with testing with the hunters, tell us about that? Jaster – In this case, hunter only has to submit the sample to us, we will actually have some technicians out to contact hunters in the field and to collect samples on their own, from roadkill or pick up from taxidermists or processors. In those cases, a hunter provides sample with information we need, and we will pay for it entirely. We haven't worked out how we are going to notify everyone or if we can. We would like to have 450 samples per deer management unit. That is basically somebody full time on the phone letting people know results. We will let them know if they want to hear back and will let them know if it is positive provided we have their contact information. Commissioner Sporer – How will they get an actual sample kit? Jaster – From our staff, but don't need a sample kit. Can use the same knife they would use to dress their deer, cut out sample, put in a zip-lock bag. If same day, great or refrigerate them, so don't need a kit. Just need lymph nodes and data. Commissioner Sporer – How are you going to get this information to the deer hunters? Jaster – Page in regulation summary for this fall and working with Nadia and public affairs to develop messages to announce to hunters. If you are talking about how we would connect with them if positive sample, likely a phone call or email depending on contact information provided to us. Reimer – Mirror what Levi shared, we will supplement that with traditional news media as well as social media and our agency is going to be establishing a microsite on our website, a condensed version of current website specific to deer hunting and CWD and that will be heavily promoted through a promotional campaign we are building right now. We will encourage deer hunters over the next three years to go to that website as well as our agency website to access this information. Commissioner Sporer – They don't need a test kit, just instructions on how to obtain the sample and where to send it, is that correct? Jaster – That is correct and in some cases we can arrange drop off and pick up at certain areas. We are going to depend on field staff to implement those kinds of options. Commissioner Sporer – Is this type of sampling going to be available statewide or only in eastern half? Can sample be mailed? Jaster – Sampling will occur in different colored zones over the next three years, so this coming season is eastern Kansas, in south/southcentral in following year and north/northcentral the year after that. Samples in the test kit vials can be mailed. Looking at what we can do to provide some of that ahead of time. I need to go back and check with researcher to see if we can provide postage in the project. Postage may have to be provided by the hunter, but in most cases I think we can arrange to work with our staff to get samples, so they don't have to mail them. Chairman Lauber – Being from eastern part of state, had good feeling that CWD, while traveling at 55 miles an hour, was primarily located in western Kansas but my bubble of tranquility burst when found in captive cervid in Osage County which is next county south of Topeka. At one point the agency was charged with the task of monitoring and supervising captive game farms, to dissatisfaction of some tried to provide a supervisory function and the responsibility of monitoring those captive deer herds were taken

from us legislatively and given to the Livestock Commission. Like to think they spend a lot of time monitoring health and status of captive cervids, but I am not sure that happens. This is really serious. There is a known association between CWD in captive deer herds, like animals stuck in a feedlot, have unnatural grouping with the one advantage being you can watch them wither away and die. I think the Livestock Commission does a good job at what they are trained to do. I would like somebody, maybe Secretary Loveless and staff to find out what they do to prevent CWD and what testing they do. Wild deer can get in some of these areas, high fence or not. I would like to know what they have to offer and doing. If of concern I think we should let sportsmen know what is going on out there. We may find there is inadequate supervision and if there is we are going to have a problem in wild herds eventually. Levi is starting in eastern part of state, an area that hasn't had any CWD traditionally. Secretary Loveless, do you understand what I am concerned about? Secretary Loveless – In last year and a half we have had two meetings including the Secretary of Agriculture having these kinds of discussions. So, we can collaborate more effective with them. Our staff has had a long-term relationship with the Department of Ag, we don't have a lot of authority over this program but have a good working relationship. We will continue working with them and will be glad to report back to you. Your question was; what is our role versus Department of Ag role? How do regulations work and how comfortable are you with those? That is the same question we talk about with staff. We would be glad to summarize that for you, how the program works and what level of oversight is, and requirements based on current regulations for captive cervid operations and report back to you. Chairman Lauber – That is a good idea. Mike Beam is a good guy and does a good job just not sure an elk herd in a high fence is an area where he has a lot of experience. Just not sure how effective it is. Would like you to do that and report back to us. May need public support to make modifications. Commissioner Sill – Is there tentative plans to maintain status quo through end of the research? Looking at regulations to mitigate CWD or still looking at making some regulations temporary and modify with new data as you develop it? Jaster – Right now not a decision to maintain status quo, if opportunity to address this before end of this project, we should. As we have a need to address things and can, we should. Will do normal evaluation process to do what needs to be done in the proper way. Commissioner Sill – Thanks, concerned we may be putting things off for three years. Good news. Chairman Lauber – A lot of information may come after the Secretary and staff reports back as to the level of supervision. The more facts we know now and the sooner we know them, the better. I agree we don't need to wait three years to decide what to do, if we see a trend we need to respond. Commissioner Sporer – Concern I am hearing about is, once deer is harvested hunters want to know if meat is contaminated or not and good for consumption. On statewide level can the department handle some type of testing for everyone who harvested a deer. Jaster – That has been in our discussions the last few years as that is a concern. In previous years we had taken to addressing CWD as a herd health issue, not human health issue. We also never tell people to consume a sick animal, or even if questionable, tell them to dispose of it and not risk it. It has been a growing human health concern, across the states. Addressing potential funding and amount required for entire deer herd, that would be about 80,000 deer at \$28 a head per sample, need to be able to provide that once we implement it. And get information back to hunters because we don't want to violate any privacy issues in giving that information back to them. For that many deer we couldn't call or email that many people, may be possible with an automated type set up but also would have to work with diagnostic lab at K-State. We both have different rules for privacy, a lot goes into that, but we are discussing what we can do in those cases. Chairman Lauber – No good way to

accomplish what you want accomplished, no fast way to get test results back and isn't a good way to satisfy the public's desire to know, don't see how we could do it. Secretary Loveless – Agree with sentiments about it being desirable. First steps are to educate and that is why Nadia is working with technical staff to come up with good way to education and inform the public. We obviously target certain areas based on research needs but at the same time part of education is equipping sports men and women with information so that they can act on their own to develop pathways. For instance, if you shoot a deer out by Oakley, you know how to sample, how to get it to the right place. Cost is daunting and a lot of people don't want to pay it so working to do two things, appropriate steps are to harvest your animal a certain way, in terms of quartering it, transport it, how to take sample and submit it. Educate them. We would like to speed up the pace of how samples can get processed and sportsmen can get the results. Secondly to reduce the cost of that; part of that might be us underwriting samples, can't pay whole \$28 but maybe pay half to make it more desirable for people to use it on a widespread basis. The first step is to educate and make sure sportsmen are aware of this threat, what they can do to help personally and corporately and deal with cost, how to defray and get what people want. That also becomes valuable data for us, what will help us make better decisions is more widespread data. Working on all those fronts, first educating to make sure people know what we are up against.

Commissioner Sporer – Is there a private testing company that could handle this mass testing? Where department would pass the cost on for sampling through licensing methods. If somebody chose to buy a permit they could click on a box to receive a sample kit, provided and tested by a private company, other than the department? Is there such a company out there? Jaster – Currently I am not aware of any private companies that do so. There may be some started to do so. So far those are at either different state or federal entities but mostly through labs at universities. Veterinary diagnostics lab at K-State is associated with Kansas State University who we normally use. As of right now not aware of any private company doing this on any kind of large scale. There are a couple of research projects going on trying to get a field test made that can be done right in the field. Those efforts started a couple of years ago, but don't know how that has progressed, hopefully sooner rather than later.

Assistant Secretary Miller – I know Levi has been in conversations with his colleagues in other states, some fighting it longer than we have. Are they doing testing in a different way, in Colorado or Wyoming or are they fighting the same battles we are? Jaster – Every state has had to adapt it to their own system. There are quite a few similarities in Colorado and Wyoming on how they sample, basically rotating through different units each year. Some of that depends on whether they are focused on monitoring populations that have CWD or trying to detect in new areas. Mostly specific area each year that they cover. How they have covered testing is similar to ours, if in a zone that is being specifically tested for the year the department pays for it inside the testing area. Outside of that some states have had low enough samples submission that they cover the cost of them. Some states, the hunters have to pay the fee to have the testing done. The only other reason difference in some states, like Colorado, when testing specific units, those units are under mandatory sampling requirements, hunters by regulation have to have animals tested for CWD if harvested in that unit. Ours is still all voluntary.

2. Role of Controlled Shooting Areas (CSAs) in Hunting – Keith Houghton, Ringneck Ranch, Tipton, presented this update to the commission. – Sent message of apology of invitation you hadn't gotten yet, hoped to bring Commissioners in have an educational experience and an informal opportunity to talk to controlled shooting areas. I you draw a 50-mile circle around

Tipton we have a proliferation of these type operations, they have blossomed in last couple decades. It is becoming a significant part of the puzzle. We consider CSAs compliment on what the state does trying to provide opportunities. Those of us who grew up in the 1980s and had opportunity to participate in those unbelievable bird hunts when the CRP program came in. Difficult to do today but we had hoped to. We did not know how many of you had exposure to CSAs, wanted to provide background and what is involved in that part of the industry so we can join forces and move ahead. Tourism is a substantial piece of the puzzle. CSAs don't have to be like father's suburban hunting preserve was, we have to overcome a negative stigma. Issue of quality of game birds in appearance and performance and providing good habitat. I have been part of the board of the North American Game Bird Association and we have a push to do everything we can to have our producers putting birds out that look, act and perform like native bird populations. Our operation is a hunting facility we initiated 38 years ago, survived the startup learning curve. There wasn't a lot of assistance on what needed to be done and how to do it, but we were fortunate enough survive. Most of the people my age who experienced those hunts in the 1980s don't think we are interested in a bird hunt, but it is a big part of the puzzle for nonresident hunters. In our particular operation we have individuals who have been coming back for over 30 years and three generation hunting parties. The development of our CSA, and recent ones, and state association, Kansas Sport Hunting Association, has been active in putting on seminars for people interested in starting a business. Our cancelled event, due to meeting being Zoom, we have tentatively postponed until April commission meeting, not as good of aesthetics that we have now, have wonderful cover. We think it would be productive to have formal and informal discussions on how CSAs fit into the scheme of things. Secretary Loveless – Disappointed we couldn't come out to see you. We appreciate your generous invitation. I have been looking forward to it and have heard great things about it. Your reference to tourism aspect, I know you have received recognition for quality of resources you provide and the huge number of hunters that come out to enjoy Ring Neck Ranch. We look forward to the raincheck. Thank you for your work. Impressed that your business model doesn't create a little competition with other CSAs but is rather a level of collaboration to understand that as people get educated about the value of the resource you are providing it ought to spread and that rising tide should lift all ships. I appreciate openness to collaboration. Look forward to seeing your operation before too long. Houghton – Our competition isn't the operation down the road but stealing them from South Dakota and other places like that. Commissioner Sporer – I have visited Keith's operation a handful of times; it is a first class operation. Something I have witnessed over the last decade is the popularity of CSAs for convenience of the outdoorsman. Everybody is looking for a little bit quicker deal that is a little bit easier, that is human nature, and that is where Keith comes in and provides a great experience for some people that may otherwise may not have access or time to access some of the other areas of Kansas. Chairman Lauber – We will get out to Keith's facility as soon as we can.

3. 30 Years of Blue Catfish Management and Research in Kansas – Ben Neely, fisheries research biologist, presented this update to the commission (Exhibit H, PowerPoint Exhibit I). Put this together for a virtual conference coming up in a few weeks. I worked with other individuals in the Fisheries Division on this to figure out where we wanted to go on catfish management; Ernesto Flores, Craig Johnson, Nick Kramer, Brett Miller, Justin Morrison, John Reinke, Bryan Sowards, Ely Sprengle and Scott Waters. None of this could have been done without a large group of people, looking at 30 years of data so have a number of technicians and

volunteers who did data collection, grateful for funding, great university collaborators and anglers, because without their interest we wouldn't be interested in managing for blue catfish. Broke down into four groups, stocking, harvest regulations, research and future direction. Blue catfish are native to rivers in the eastern part of the state. We have introduced blue catfish into 36 different impoundments since 1972 all around the state. In 1970s and early 1980s stocking in mostly small impoundments trying to get populations going with not much luck, not much return in creel, didn't see fish in samples and learned they didn't necessarily work. Starting in early 1990s, we stocked blue catfish heavily in Milford for four or five years to see if we could get a population. Also, stocked in three other large reservoirs in early 2000s, John Redmond, Tuttle Creek and Clinton. Milford came on and started seeing fish in 2000/2001, started getting bigger and we were seeing natural reproduction and anglers were starting to think about blue catfish. That led to where we are at now. In the last 15 years we have introduced blue catfish into 16 additional reservoirs. Currently we have active management of blue catfish stocked in 16 Kansas impoundments, ranging from 2,000 acres to 16,000 acres, mostly in eastern part of state. These are places where we either have a special regulation, sample fish every year or have stocking programs. These are the ones that are dialing it in. In harvest regulations, the idea was to review and justify what we have done to see if we are using the right approach. Statewide regulations, from 1990 to 2017, channel catfish and blue catfish were done in aggregate, didn't differentiate. There was no minimum length limit and allowed harvest of 10-per-day. In 2018, in recognizing blue catfish fisheries, we separated them from channel catfish, no minimum length limit and went to 5-per-day creel limit. In 1990, no special regulations, in 2000 no special regulations; turning point was 2005, enacted first blue catfish regulation, a 35-inch minimum length limit and 10-per-day creel at El Dorado. That same year when a group of authors recommended the blue catfish be a SINC (species in need of conservation) – a species and we might want to consider listing. This is where we started putting more fish in and by 2010 we had five impoundments with special regulation; one with reduced creel, four with minimum length limit and reduced creel. In 2016, had first protected slot at El Dorado, 25- to 35-inch slot, 5-fish-per-day, but only two over 35 inches. By the beginning of this year, we have 14 lakes with special regulations; one with reduced creel, 10 with minimum length limit and reduced creel and three with protected slot limit. We use minimum length limit of 35 inches 5-a-day and the reason we have that regulation is we are trying to develop these populations. The idea is we are putting these fish in and not getting to reproductive maturity until about four or five years old, maybe six or seven and wanting to protect them through several spawns. Give them the best chance to can to get a naturally sustaining population to not have to supplement with stockings. The idea of 35 inches and five-a-day is to monitor the populations for natural reproduction, typically in the summer with electrofishing. Generally, the idea is to relax the regulation to allow harvest once self-sustaining. When we look at protected slot limits there are three variants, 25-35 inches, 5-per-day, two over at El Dorado; 25-40 inches, 5-per-day, one over at Milford; and 32-40 inches, two-per-day and one over at Wilson. These are typically used if we have natural recruitment and surplus of smaller fish, so we want to harvest smaller fish to hopefully get intermediate-size fish to grow into trophy sizes. The protective slot will only work with natural reproduction or a big stocking that took place. El Dorado, Milford and Wilson have different length frequencies; 20-inch fish at El Dorado, at Milford, 10-inch, then another jump at 16-inch, at Wilson we 28- to 30-inch range. We have bumps of fish on other side of slots but not many in the slot. Our hope is to thin out fish below slot and get them moving into the slots where anglers want to catch them. Research broke down into five categories: population dynamics; movements, diets; sampling

methodology; and angler exploitation. When looking at population dynamics, doing a lot of that, it is rudimentary fishery science where we learn how population works. Blue catfish in Kansas exhibit fairly typical growth and mortality and don't stand out from other populations throughout the range. An exception is Lovewell Reservoir, growing much quicker than other populations, up to 26 inches by age six. Another thing showing up is a lot of inconsistent recruitment from both natural reproduction and stocking. Might be supported by a big year class that comes through. Growth might not be consistent, don't see typical length and age relationship like we expect from other species. Movements have a lot of diversity, partnered with K-State in 2012 and 2013 (dry years) at Milford reservoir; the fish didn't move much, didn't see fish pass through the dam downstream or upstream. In 2019, had a bunch of tagged fish out, a wet year and we saw movements upstream 50 miles and a lot of instances where fish passed through the dam and were targeted by anglers downstream. We showed fish specific to a certain impoundment live long enough and move far enough that they are going to be contributing to multiple fisheries throughout their life. Working with University of Nebraska at Lincoln, looked at blue catfish movements on the Kansas River and saw that the Bowersock Dam seemed to provide an upstream barrier; a lot of movement between Missouri and Kansas rivers, but couldn't get above Bowersock even during high water levels. Did see a lot of fish move downstream past Bowersock and some upstream past Johnson County weir. The long lifespan and movements of these fish makes them contribute to multiple fisheries. We've done some diet work, worked with Fort Hays State University on a project at Cheney and El Dorado, what we saw was they were dialing in on invertebrates, so eating a lot of bugs and maybe some crayfish. We did have evidence of an ontogenetic diet shift; we saw as fish got bigger they were more likely to eat fish. Saw a seasonal diet shift from detritus, bottom gunk in June to fish in August on a project at Glen Elder Lovewell and Wilson, likely attributed to shad. Sportfish comprise less than .01 percent of catfish diets in summer months, almost exclusively gizzard shad when eating fish. Sampling methodology, working with K-State on transmitter retention in catfish; difficult to expel transmitters so K-State outlined some methodology to make them stay put. Working a lot with floatline sampling, targeting large individuals which seems to be effective means for getting our hands on big fish for aging growth analysis, diets or getting handle on what we have. Also, looking at comparison of aging structures, we need to know how old fish are and how fast they are growing to properly manage them, try to do as efficiently as we can. Angler exploitation, saw increase in angler preference in the late 2000s. In licensed angler survey in 2006, not identified as an individual's favorite species although common carp and freshwater drum were. In 2013, jumped up to sixth most popular, ahead of bluegill, wiper and smallmouth bass. Currently have licensed angler survey out, interesting to see where they fall. Along with popularity saw big increases in catch; estimated 5,000 fish caught in 2009 at Milford, up eight times that in 2018 to an estimated 40,000 fish caught; El Dorado 800 fish caught in 2007 to 4,200 in 2015. Fish are susceptible to anglers, learned how good anglers are, don't know if specific to Kansas or what group but seeing bigger fish caught. The three largest fish tagged at Milford were caught and released at least once, one twice over a two-year period. Twenty-three percent of "overs" we have tagged at Milford, over 40 inches, have been caught at least once. When looking at harvest, we see more harvest in Missouri River, with project at University of Nebraska, saw up to 82 percent harvest of these encountered fish, so once they escape and make it to Missouri River folks are looking to harvest them. Not what we saw in Kansas River, has dedicated trophy angling base and only 41 percent caught harvested. At Milford, 49 percent of legal fish captured were harvested, less than 25 inches but greater than 40 inches. Something that stuck out was 19

percent of tagged fish over 25 inches were captured by anglers within 22 months; 25 percent of fish tagged have been captured by anglers. Bigger fish, over 40 inches, getting 30 percent of bigger fish caught, 60 percent up to 100 percent. Large fish are vulnerable to harvest; every time a legal fish ends up on a hook it has the potential to be harvested. Need to wrap our heads around that from a management standpoint. Future direction, what we know and where we want to go. The group wanted to focus on providing both harvest and trophy opportunities and we are in a good spot to do that. Idea is folks can harvest them and have enough to eat but still can get big fish people want to travel for. Struggling with fish sampling and wrapping our head around angler skill and how we make all of this mesh; don't know how abundant fish are because we don't know how effective or sampling is. We get a lot of reports of anglers catching big fish, which creates perception that big fish are really common but may be that angler are just really good at targeting and capturing this small number of big fish. Projects in the works to try to address that. Looking at special scale of management and how to incorporate going through dam, going upstream, may not be appropriate to have a single regulation on a reservoir, it may need to extend upstream 100 miles or downstream if something we want to protect. Curious about effects of climate change and reservoir aging, blue catfish are relatively new but seem to be adaptable to aging reservoirs, which is occurring nationwide. Want to learn what makes them tick. In some places we can drop in a few thousand and seeing them reproduce and seeing big fish and other places go through intensive stocking efforts and not seeing the fish. Want to identify some reproductive recruitment bottlenecks to better allocate resources. If fish all in the same area competing for same resources, food or space, want to see how blue catfish interact with channel catfish; some talk of channel catfish numbers reducing with presence of blue catfish, an emerging trend in the south. Also wanting to look at how they are overlapping with other predators like walleye and wiper to see how they are interacting; if stocking if having negative impacts on other species. Keeping eyes open on management strategies for different populations, each reservoir is different, manage individually while retaining ease of regulations to make sure not unreachable goal. Grateful for opportunity to talk about what we have been working on this.

Chairman Lauber – Any evidence of hybridization between blues and channel cat? Neely – There is not. That is a very specific process if that occurs but does not occur naturally.

Commissioner Sporer – Do they eat zebra mussels? Neeley – They do, shows up seasonally in spring, seems to be opportunistic prior to shad getting to three inches. Chairman Lauber – Can they eat enough zebra mussels to provide a remedial effect? Neely – I would have to defer on that, but I don't believe we have seen that.

Commissioner Cross – Pass along compliments in east region, a lot of folks here are happy with what we are doing statewide; happy with the program and appreciate what is going on. Do you see program expanding any more in the state? Neely – Talked about that but general consensus seems to be no. Want to focus on impoundments where successful and try to learn how to best manage them rather than putting our resources into introducing into other populations. Nothing off the table. We have talked about introducing them into other reservoirs but not an immediate need right now.

Commissioner Rider – What is your view about Milford, we made decision a few years ago when put in controversial big slot limit? Neely – Assuming goal at Milford is still trophy fish, I think that is as good as we could have done. Seeing fish that are relatively slow growing, 10 years to get to 25 inches there, population has expanded but still showing big lump of fish under slot and not many in the slot. In a good spot and regulation is about perfect for what we are trying to accomplish there.

Secretary Loveless – Thanks Ben, impressive presentation. The commissioners have gotten a sense of depth of understanding; chronology of efforts over the

decades. Start out with an approach but at this point our folks have learned so much that they can be more strategic in recommendations for where we put these, impressive to me. In El Dorado a couple of weeks ago, the more you see the more you are impressed at understanding of these biologists and professionalism that goes into their decision making.. Talk about slot length limits and big fish we are searching for to develop; people are fashioning themselves as trophy fishermen and don't think about keeping a fish. Tell a little about developing new fishery in Kansas. Neely – Slot limits are finicky, have to have specific scenario to be effective, has to include a lot of little fish, capability to grow big and people willing to harvest little fish. As with a lot of fish, just don't have the numbers of small fish for them to work. On the other hand, when catfish reproduce they can create huge year classes. Those that have fished for blue catfish know that they eat a lot so when you get a big lump of fish that are eating resources they are taking away from trophy fish anglers are looking for. Hope is that with slots we can harvest some of those fish and that will open some of the resources. Blue catfish, the mindset on them has changed over the last 10 years considerably, from a food fish to a trophy fish with big tournaments and expensive boats. We want to create opportunities for people to travel and come in to catch the fish of a lifetime. That is what we are trying to accomplish with these regulations. We are young in this process, it seems like a long time ago, but 30 years ago there was no interest in blue catfish and only 15 years since regulation, so only a couple generations of fish. We have a lot going and a lot to look forward to. Assistant Secretary Miller – Impressed with research our fisheries guys do and what they base their regulation recommendations on. If you add this to what Scott Waters is doing at Glen Elder, the program Daric Schneidewind presented about Milford Hatchery; a lot of work behind the scenes. When they present recommendations to you there is a lot behind it. Continually impressed with what fisheries staff do every day. Chairman Lauber – I agree and helps us make better decisions on our end because we know they have done a good job analyzing it.

Break

4. iWIHA Update – Wes Sowards, assistant Wildlife Division director and private lands coordinator, presented this update to the commission (Exhibit J, PowerPoint – Exhibit K). Wanted to provide an update on efforts of the Interactive Walk-In Hunting Access (iWIHA) program. This is walk-in hunting's 25th year, and throughout those years it became increasingly difficult to enroll hunting tracts in eastern Kansas near urban areas. In 2017, in an effort to increase public hunting opportunity, we created iWIHA program. The concept behind this was to allow us, and the landowner, the ability to limit use on their properties. The biggest limiting factor in this program in urban areas was overcrowding and safety concerns. This program allows us to put a limit on the number of hunters for each individual tract, so you get a more quality hunting experience. You have certainty that if you check into one of these tracts you will have the ability to hunt it exclusively, in some cases it allows more than one hunter. This format allows the landowner to restrict certain activities, hunting methods or other special restrictions. hunters to electronically check-in and out of each tract; the day-of or the night before their hunt. This program allows the landowner to restrict certain activities, hunting methods, or require other special restrictions, things we couldn't address before. This program works through iSportsman application and you can find all of these tracts, stipulations, available species and dates on the kdwpt.isportsman.net website. We will have an imbedded map there with all of the property locations that will link you to rules as well. This will not be in our printed atlas to

reduce confusion at this point or until iWIHA becomes more recognizable but is online atlas and marked in purple. This is not open fully to everybody as our walk-in hunting areas are. There is the special requirement to check-in and check-out through iSportsman system. For fall 2020 and spring 2021 hunting seasons looking at a circle on the map around Topeka and Manhattan area where most of the tracts are and a smaller circle around Wichita with several tracts there. We will have more in Saline County this fall. As a hunter is checking into an area they will get an acknowledgement that basically says specific rules outside of public land rules and regulations and they need to sign off on these by clicking "I accept," that means there is a virtual posted notice in place that they agree to. The tracts are shown on their phone, if area shows up in red that means person is checked in already and you will not be able to check in. There will also be posted notices or stipulations that landowner has that they will have to acknowledge. Our biologists work directly with the landowner and we start out by trying to offer the most opportunity possible; the most hunters we can get in, the least restrictions possible and work back from there, a negotiation process. We will walk away if the opportunity is not adequate, for instance, if they only want one hunter on 6,000 acres, that is not going to meet our obligations for public opportunities. We can close tracts on certain days if needed, Church Camp in one area and they want to close on weekends for other events or if landowner has to move cattle; and through acknowledgements let the hunter know why it is closed. We can restrict to nontoxic shot, designate parking areas, which is a big concern for farmers, able to provide maps to hunters if they click through the website so everyone is in compliance, landowner is happy then we can continue with the opportunity. Look at 2019/20 season versus 2018/19 season; saw incredible use in 2018/19 with just over 1,100 check-ins with 30-40 tracts with about 6,000 acres, good response in year two. In 2017, we started with one or two tracts, a pilot project at that point, but was checked into on the first day available on first year without any promotion. This past fall and spring season we had just under 4,000 check-ins, increased by 300 percent in one year. My realistic goal was 3,000 and we exceeded that. In 2019 we had about 19 check-ins per day compared to five per day the year before. Tremendous use. With 4,000 check-ins, there were 969 unique hunters utilizing this program. We put together a pretty good product. We thought we were developing was a low pressure hunting opportunity for people to have unique opportunity on quality acres, the best way to gauge that was acres per unique account. In 2019, each hunter had a little over 11 acres to themselves; in 2018, 18 acres to themselves. The program is really becoming popular and we need to focus on signing up more tracts and some more long-term agreements. My goal is to try to keep that at 20 acres per unique account, I think we can accomplish that. All this equates to about 4.1 check-ins per hunter throughout the season, not coming just one time, getting displeased and walking away but coming back multiple times throughout the season to hunt multiple game species and multiple opportunities. Broke it down by check-ins by activity: 68 percent were devoted to archery deer hunting, which has a lot to do with the tracts that are high quality consisting of riparian areas and some sort of woodland component, so favor deer hunting. Firearms deer was second highest percentage, 13 percent and waterfowl hunting came in third, primarily because we had some nice waterfowl tracts. A lot of development that went into this program was designed to favor resident hunters. In the past this program was special hunts on private lands program. It restricted the ability to use the properties for residents because applications were several months in advance and we thought having access to these properties at the click of your phone would favor resident hunters that have intimate knowledge of the area and our access program. About 85 percent of iWIHA program hunters were resident and 15 percent nonresidents. With this program we are able to see what is going on

with harvest, something we never really had a good handle on in WIHA, looking at over a million acres on an annual basis. Each person who checks in if they harvest an animal they must report that in their check-out. The species most harvested was deer, 60 deer taken off of 60 tracts, mostly bucks with archery equipment. A lot of different species are being harvested so we know we are providing quality opportunities. Know we have the ability to talk to our landowners and let them know a little bit about the use happening there. Don't have standard structure of reports to landowners but if they request it from biologists we can provide it. Some of these properties are getting used 30-40 days in a row and they are still ecstatic about the program and continuing into third year. Not losing any tracts, only gaining. About 36 percent of all the tracts, had greater than 50 check-ins, used every third or fourth day of fall hunting season, so steadily utilized. In spring 2020 season, did some comparisons to wildlife areas in iSportsman and iWIHA came in at third highest area on total check-ins behind Milford and Hillsdale with comparable acreage to Milford; came in second to Hillsdale on unique hunters, 191 unique hunters. Harvest was low for all areas, but iWIHA came in second highest harvest for spring turkey with 16, second to Milford with 18; positive results. As you know iWIHA tracts are not continuous tracts, spread out, unlike wildlife areas. We are going in the right direction, these are popular, people are harvesting game and coming back multiple times. Want to highlight a project that was done in cooperation with Harvey County Parks Department; we were able to open up a small portion of East Lake to waterfowl hunting; we partnered with Delta Waterfowl and they volunteered their time to build five waterfowl blinds on this property. Each blind is set up in iSportsman as an individual tract to check in to and you can check in with multiple people with you. Also, signed up a 40-acre tract that is heavily wooded adjacent to that, Harvey County owned it but had never allowed hunting access on it; opened only to archery deer hunting and the response was tremendous. The Harvey County waterfowl property had almost 160 check-ins on those blinds with over 50 ducks harvested. Hunters were from 30 different cities and 12 different counties in Kansas. Harvey County Parks Department and Commission are signing off on this every year. They are going to expand hunting on East park this year, we have one additional tract owned by Harvey County, 68 acres open for archery deer hunting. The program is meeting everybody's needs. Also, additional tracts being added around there, one is a big waterfowl area near Newton. For this spring we want to take momentum to follow up with a survey to provide best program we can, objective is to figure out issues, make improvements, assess the value to local communities and to better understand current hunter needs and desires. We surveyed all people that checked in that we could, 946 unique hunters and received 413 usable responses, about 44 percent. The main topics were: iWIHA usage, experience, preferences for tracts added and value of program; iWIHA is above public lands, second to private land; spent about nine days hunting private land and five on iWIHA. Asked to what degree the introduction of iWIHA has affected hunting activity: about 50 percent hunted more than they would have without it, 44 percent hunted about the same and were able to keep up regular hunting with this program; about 85 percent hunted more or able to hunt the same. One of the big things we wanted to get out of this program centered around R3 (recruitment, retention and reactivation) of hunters; we felt this program could help to solve this issue; from survey data, we have done a little of that, about 30 percent of people were able to mentor more than they used to or continue to mentor because more places to go. Improve as we get more tracts and more promotion out there. In summary, initial take-aways: value, increase in hunter activity and mentoring; and well used by those aware of the program. Characteristics, originally built some small tracts; got out of survey, 10 acres was what they needed, prefer more but not shy away when small tracts in play, can continue offering incentives on small tracts; how

far willing to go, consistently 75 to 100 miles, obviously some nonresident responses a little bigger, which we will meet in most cases; like we thought they want more deer hunting opportunities. Issues, some we were aware of some not, improve communication and messaging, but didn't want to promote too heavily in the beginning with limited amount of area, didn't want to turn people away because someone else checked out, going to roll this out slowly but getting some promotion out; issues of people checking in without hunting, we were aware of that, but people who responded to survey had same concern, working on pie in the sky iSportsman program, our own offshoot potentially and working some of these things in there with potential ability to track people not hunting and some lottery-type improvements to give equal opportunities to get on properties; offer guy accessing on the phone the same opportunity as the guy with the Smart phone, not able to fix all of those things but do our best; law enforcement presence, we have our own education we have to provide our internal folks to have the presence out there. We have to get everybody onboard to allow it to continue to grow. In fall 2020 have new tracts in play, increased to 68 tracts, nearly 12,000 acres, similar in size to Tuttle Creek wildlife area. Have two tracts in Johnson County, never had public access through our programs in Johnson County before; worked with Johnson County airport on a couple of tracts. Working on new tract in Saline County. Looking for long-term iWIHA tracts through new grant from USDA/NRCS, signed and approved, have \$2.1 million to spend through Voluntary Public Access and Habitat Incentives Program (VPA-HIP), third award Kansas has received, and we have three years to spend that money. Spending on iWIHA and traditional WIHA properties. We hope to get a lot more iWIHA tracts in urban area, long-term. Chairman Lauber – Thanks for thorough presentation, keep it up. Assistant Secretary Miller – There are a lot of obvious benefits to this program. A couple Wes may not have mentioned, this continues to let the WIHA program evolve and change and not become stale, which is important. It also is addressing a population that we haven't really taken care of before because we couldn't. As hunters age, the overall experience is more important, and I want to know there is not going to be 20-30 other hunters on an area when I go. If I know there are only one or two other hunters that is enough for me to want to do this and will maybe be the attraction to this. Really exciting and would love to see it grow and continue to evolve.

5. Big Game and Wild Turkey Legal Equipment and Taking Methods – Kent Fricke, turkey (Exhibit L). In April, Commission voted to allow drawlocks for vertical bows for legal equipment for big game under KAR 115-4-4. We realized it was inconsistent and we didn't change the turkey regulations coincidental to that. It is our desire to increase consistency across species and reduce unnecessary regulations. Proposing to review 115-4-4a, wild turkey legal equipment and taking methods which deals with various components of legal equipment. Our recommendation would be to strike language that does not allow drawlock devices for vertical bows. As Levi mentioned in discussion on 115-4-4 there are relatively few disabled hunters that apply for drawlock permit each year, big game and wild turkey. We feel this is an unnecessary burden and if typical hunters were to try and utilize this we wouldn't have an issue with that, so strike language from 115-4-4a. If that were done, KAR 115-18-7, which outlines the process for disabled hunters to apply for using drawlocks for big game and wild turkey. If other change were made this regulation would not be needed, so remove from regulation book. Relatively few people have applied for this; in 2014, 8 applications, big game and wild turkey; down to 5 in 2016 and last several years only one application (Exhibit M). See this as a way to reduce regulations and edit language and it improves consistency across regulations.

C. Workshop Session

1. Park Regulations – Linda Lanterman, Parks Division director, presented this regulation to the Commission. No changes to regulations at this time. Update of what is going on in state parks during this pandemic. We have been busy and continue to be busy. Primitive camping has let up a little but overall, demand has been the highest in two decades and to accommodate that, because we were so full in utility sites, many of our state parks made an area where our customers could have a generator. Those sites were put in areas where they would not bother others and has been popular. Not all state parks have that yet, but many opened primitive areas to generator-only sites. Our revenue continues to be strong, anticipate holding through September, maybe into October if weather holds. A lot of different activities are going on in state parks and we continue be conscious of size of groups coming in and make sure they social distance and wear a mask when necessary, so we have not encouraged any special events, but a few have taken place. As things wind down we will go back to FEMA construction, a lot of areas need upgrades from flooding last year. At this point no regulation changes. Commissioner Cross – How long before parks back up from flooding? Lanterman – Another year to 18 months, FEMA is a long process, by the time engineering and construction it could easily take another 18 months.

2. Fishing Regulations – Doug Nygren, Fisheries Division director, presented this regulation to the commission (Exhibit N). Reference document is referenced in 115-25-14, which allows us to put fishing regulations different than statewide regulations such as special length and creel limits. Changes: Kanopolis Reservoir, reduce creel to a 20/day creel limit on crappie. There is a new urban fishing opportunity in Junction City, Helland Pond -- add a 15-inch minimum length limit and a 5/day creel limit on largemouth bass and a 5/day creel limit on channel catfish. Sherman County, Smoky Gardens, western Kansas lake that has recently been renovated and we established regulations by Secretary's Order and we want to formalize that; a 15-inch minimum length limit and a 2/day creel limit on channel catfish, and catch and release only for largemouth bass, bluegill, and redear sunfish until established. Great to have it up and running again, not much fishing opportunity out there. Another relatively new lake is Agra City Lake, add an 18-inch minimum length limit and a 2/day creel limit on largemouth bass. Plainville Township Lake, increase to 18-inch minimum length limit and a 5/day creel limit on largemouth bass. One that will take more time is next one on blue catfish in southeast Kansas. (Maps – Exhibit O) Seth Lungren, our fisheries biologist there has been in communication with Oklahoma biologists who manage Hulah, Copan, Oologah and Grand Lake reservoirs. This relates back to what Ben was talking about with success we have had in Kansas with blue catfish. Oklahoma is about a decade ahead of us and these four reservoirs have high densities of blue catfish and as such we are benefiting by them coming across the border and frequenting our rivers. After conversations with them we have decided we want to give our anglers an opportunity to harvest more of these

than the current 5/day creel, so our proposal would be to increase creel limit to a 10/day in these four rivers and their tributaries largely to take advantage of a situation that has made itself available to us. There are so many fish in some of those reservoirs, electrofishing over 1,000 blue catfish an hour, but are dominated mostly by small fish less than 18 inches. Oklahoma is interested in seeing some harvest on these fish. At Oologah and Copan they have seen an impact to their channel catfish populations. If we make this change in Kansas, it would go all the way up the Neosho River to John Redmond dam and its tributaries; on Verdigris River all the way up to Toronto dam, Caney and Little Caney rivers would be included as well. A great opportunity. Someone fishing these rivers could keep ten channel catfish per day, ten blue catfish per day and five flatheads, that is a lot of opportunity. Most of these stretches are on private property, for public it will be where these rivers flow through towns or low head dams. At Hulah they are contemplating going to 25 blue catfish a day. When Seth proposed this to our catfish committee, ecological services said they were seeing the same thing going on above Kaw Reservoir, so we reached out to my staff and discussed that. The upper end of Kaw reservoir reaches up into the Kaw Wildlife Area in Kansas and includes the Walnut River as well as the main stem of the Arkansas River and Ninnescah River and South Fork of Ninnescah River. We are seeing that blue catfish population come up into these two rivers, as well. Our reason for wanting to be more liberal on this is more to give anglers an opportunity to harvest more fish but also hopefully keeping blue catfish numbers at a level that will minimize the impact they will have on some of our threatened and endangered species. Our proposal would be 10/day on blue catfish for next year, a liberalization and an opportunity for a wonderful resource. The city of Olpe, Jones Park Pond, wants to create a youth/mentor fishing location that we can stock a little heavier than we normally would, and the mentor could fish with the child; they asked that we restrict the use of cast nets and seining. Emporia, Jones Park Pond, is another youth/mentor fishing location and also wants to limit use of cast nets and seining. Emporia, Peter Pan Park Pond, also wants no cast nets and seining allowed. Similar requests came in from Johnson County, they have two lakes, Kill Creek Park and Lexington Park lakes that are about 26 acres in size. They have regulations in place that don't jive with state regulations and it makes it difficult for our law enforcement officers to enforce their regulations. We have crafted a new paragraph to go in the reference document that is specific to Johnson County Kill Creek Park and Johnson County Lexington Park lakes; those would fit into our reference document, similar to how we handle Wolf Creek, which is different than statewide options.

Chris Steffen, aquatic nuisance species coordinator in Emporia – Changes to 115-18-10, which is our prohibited species list. Changes we are proposing is to add some new species that the federal government added to their federal injurious species list in 2016; that list prohibits importation into the country and movement between the lower 48 states and Hawaii or Alaska, but it doesn't prohibit possession of those species within a state. By adding these species to our list closes that loophole where if these species made it into the state we could ticket that. Those on the list: Crucian Carp; Largescale Silver Carp; Prussian Carp; Wels Catfish; Eurasian Minnow; Stone Moroko; European Perch; Nile Perch; Roach; Amur Sleeper; Zander; and Common Yabby (a crayfish). These are all species the U.S. Fish and Wildlife Service has evaluated and have proven invasive in other areas of the world and would be detrimental in the U.S. Chairman Lauber – Do

we have Wels catfish in the U.S.? Steffen – We do not, at least not in the wild. The only one on this list that exists in the wild in a reproducing number is the Zander which has a small population in North Dakota. Chairman Lauber – Which were intentionally introduced? Steffen – Yes they were.

Steffen - Change 115-7-10, fishing special provisions, which has the Kansas Aquatic Nuisance Species (ANS) Designated Water list that has white perch, zebra mussels or Asian carp in it. Three to add this year. We found white perch in Wichita, South Lake late last year; in July of this year zebra mussels were found in Linn Valley Lake – Main Lake, which is a private gated community; and not on paperwork, last week confirmed white perch and zebra mussels in Emerald Bay, which is another private lake in Wichita.

Steffen - 115-1-1 is definitions. This is housekeeping and clarification we want to make to non-sportfish definition. Currently it just reads “carp” and we would like to clarify that to cover the multiple species of carp. We would add common carp, silver carp, bighead carp, black carp and grass carp. Grass carp is currently listed as White Amur, which is an old term, so White Amur would come off when we add grass carp.

Steffen – A change to 115-7-3, which is taking and use of bait fish or minnows. The way the regulation is currently written, while the taking of baitfish over 12 inches, except for gizzard shad. We had some questions from the public. On the Kansas River Asian carp are common bait for catfishing. Everyone typically uses a cast net to catch them, but the issue is these Asian carp grow very quickly and get above that 12-inch size. As we have plenty of these fish and they are invasive and large fish don't live very long in a bucket, a low risk, we want change regulation so anglers can use those Asian carp for bait.

Nygren - David Breth was going to give a presentation about some license privilege changes but he was not able to come since we ran long. We have a 9-minute video version of his presentation. Chairman Lauber – Can you show that this evening? Nygren – Yes. Chairman Lauber - Start evening session with that and finish up the afternoon schedule.

3. Public Land Cabin Rates – Stuart Schrag, Public Lands Division director, presented this regulation to the Commission (Exhibit P). We currently have five rental cabins at four lakes and wildlife areas: Atchison State Fishing Lake, Ottawa State Fishing Lake, McPherson State Fishing Lake, and two at Mined Land Wildlife Area. These cabins have been there since 2007 to 2010. During that time, they have always had the nightly rental rate of \$70. These cabins are 10-13 years old and in need of extensive repairs and upgrades and maintenance and cleaning costs continue to climb. Currently nightly rate is not keeping up with expenses and we are operating in the red. Annual occupancy rates are, Ottawa State Fishing Lake 23 percent, McPherson State Fishing Lake 26 percent, Atchison State Fishing Lake at 34 percent and two cabins at Mined Land Wildlife Area are 60 percent and 47 percent. In looking at big picture, went ahead and made decision to stop rentals at Ottawa and McPherson state fishing lakes. We had done this a few years ago with two cabins at Kingman State Fishing Lake and closed those for the same reason. Cabins take a lot of my staff time and take away from their primary responsibilities as public land managers. Asking for increase in rental rate for Atchison and Mined Land cabins. The cabins at Ottawa and McPherson will be utilized as FTE office space, like Kingman, those two cabins went to Clark State Fishing Lake and Cowley State Fishing Lake for offices. We have never had an office at McPherson State Fishing Lake or Maxwell Refuge, which is just down the road so that cabin will be relocated to Maxwell. The one at Ottawa will remain where it is at and be utilized by FTE staff there. There is a two-fold objective in making this decision, one to stop

fiscal bleeding and provide office space for FTEs that we have never had. When we did our research on this we made comparisons to local hotel lodging rates and at state park cabin rates, along with annual expenses and increased costs, our recommendation is to increase nightly cabin rental rates at Atchison and Mined Land from \$70 to \$105 a night. Chairman Lauber – It makes sense.

4. Falconry Regulations – Jake George, Wildlife Division director, presented this regulation to the Commission (Exhibit Q). Third time reviewing 115-14-11 thru -15. No changes from previous discussions. The main two changes are to remove the requirement for inspection of facilities for renewals if the facility has not changed locations. If a new falconer you would still have to have your facility inspected once you had it built. The second big change would be removing the requirement for permitted resident falconers to submit an application prior to attempting wild capture, except peregrine capture. We already get notification from the federal database when they file their capture or release. They are limited to two wild capturers per year already. With respect to peregrine exception, that is a federal allocation that we can't exceed on an annual basis, nor more than six can be captured in a state. The reason it is only residents who no longer have to have an application for wild capture is because we receive notification from the federal database any time they capture or release wild birds. With nonresidents we do not receive that notification from the database. Commissioner Sill – How many resident falconers? George – We have 70 total permits currently. Commissioner Sill – Before they had to have that inspection the permits were three year permits, so they had to have an inspection every three years? George – That is correct. Commissioner Sill – Out of curiosity, I compare this to dog breeding facilities or something; things change in peoples' lives, health or things like that which can affect their ability to maintain something that they were once good at and cared a great deal about. Is there any concern that in going from every three years to never, that there are going to be some facilities that slip through the cracks and become at a quality level that is harmful? George – We had considered that. Through the Kansas Hawking Club, they are a tight knit community and, as opposed to dog breeders, I don't think you could compare it. As you have seen in reading the regulations it is like learning a different language. There is a lot that goes into falconry and people spend thousands of dollars on facilities and their birds. In the past we have had an issue that fit that description, someone failing in health condition and not keeping up with the facilities as they should have. That was reported to us by other members of the Kansas Hawking Club. In respect to never, it is not necessarily never, we have the ability to go in and take a look at the facilities at any time. Commissioner Sill – So retaining that right to go in and inspect. George – Yes. Commissioner Sill – What about somebody who's permit is suspended or revoked, is an inspection part of that renewal process? George – I would not consider a renewal it would have lapsed at that point. Commissioner Sill – If they have had a revocation or suspension an inspection would be appropriate? George – Yes.

5. 2021-2022 Turkey Regulations – Kent Fricke, small game coordinator, presented this regulation to the Commission (Exhibit R, PowerPoint Exhibit S). Spring season is based on youth/disabled season beginning April 1 and gets a full weekend, early archery beginning Monday after first full weekend in April and gets a full weekend, and regular season starts on Wednesday following second full weekend in April and runs through the end of May. We changed the fall season last November, beginning in 2002, rather than running from November 1 through January 31 it is now a 41-day season, open to all equipment, from October 1 and ending

on November 10. Seasons set for next year, April 2021, beginning with youth season April 1-13; archery April 5-13; regular firearm April 14-May 31 and fall season as I just described. In front of the commission this year is the recommendations for the 2022 seasons. We are starting to shorten the time period due to the calendar, where youth disabled still get three days and a full weekend starting April 1, archery season runs from April 4-12 and regular season starts on the April 13. We are also recommending we stick with the shortened fall season in 2022. Harvest updates: in fall 2019, we sold about 4,600 permits, no game tags available, so a 19.8 percent decline from 2018. The fall season continues to see reduced numbers. I am double checking this number, but we estimated the active hunters this year as 30 percent of people who bought permits. The fall season has been the topic of discussion with the commission for several years now. Also, because of severe rains and record setting precipitation in 2019 I wonder if a number of hunters didn't want to have additional adverse impact on the population because of limited reproduction last year. With those numbers we see a severe decline this year in fall harvest and active hunter number. But again, not totally unexpected but more severe than I had anticipated. In spring 2020 season, after Commission vote back in November we reduced bag limits in Units 3, 5 and 6 to where no game tags were available, so only able to bag one bird in those three units plus impacts of Covid 19 and travel restrictions. On April 10, the governor signed an executive order to suspend the sale of general nonresident turkey permits and lifted at the end of the season, May 27. Nonresidents who still sought to try to harvest a turkey in Kansas still had one weekend to do that. We can isolate individual causes but saw impacts from these decisions. Overall, we saw a reduction of about 25 percent in permit buyers; residents increased 10 percent, big hit to nonresidents which declined 77 percent. With nonresidents, typically for spring, nonresidents make up 35- to 40-percent of turkey hunters in the state, we only saw 13 percent this year. Suspect most of those 3,400 hunters that bought a permit the vast majority were likely in early archery season. We did see increases in resident permits sold, decreases in game tags sold but hard to determine exact cause of that, whether increased travel restrictions or strictly result of reduction in those three units in the east and southcentral. With fewer hunters afield we saw an overall decrease in the number of turkeys harvested; almost exact same percentages or portion of the population harvested were adult male jakes and bearded hens all fell within one percent of last year. Overall hunter success remained about the same, which was interesting to see. Nonresidents had higher hunter success as in a typical year but suspect most of those were hunting in the early archery season. A decline in overall harvest of about 10,000 birds from 2019. There will always be an asterisk next to 2020 due to travel restrictions. Overall hunter success remains similar, interesting given significantly fewer hunters afield. Public lands saw about the same pressure, residents filled in the parking spaces that had been taken up by nonresidents. Overall, you have a 50/50 chance of bagging a bird in Kansas. On population trends at statewide level, from turkey abundance index from spring rural mail carrier survey, what hunters will be seeing in the field, did see a slight decline from last year but remember in 2019 we had severe impacts on production. Estimates do include this summer's July estimates, so statewide saw a bump up which we are glad to see, an increase in young adults and poults per hundred miles from last year. Then the issue becomes how does the number of adults have an impact on the number of poults next year but encouraging to see that. This spring relatively stable numbers out west in overall number of turkeys and poult production. Saw continue decline in northwest that we will be keeping an eye on. In general, an okay season out west. In central Kansas, remember severe decline last year, saw that in reduced number this spring. Good to see increase in central part of state in production this spring. Ideal production and weather this spring

in west. In eastern portion of state declines from heavy rains and relatively stable production and comparable to last year under relatively ideal conditions. This year did continue general decline in overall satisfaction; everyone has their own definition on whether satisfied or not. We keep our finger on the pulse of this to determine where hunters are at, what they are seeing and how successful they are. For everyone familiar with adaptive harvest strategy we made recommendations and changes last year and these are the numbers that will feed into that. After implementing a change, we wait a couple years to make continued recommendations based on trends over time, so we don't anticipate any changes this year. No changes for 2021 in bag limit and no game tags in spring in Units 3, 5 and 6. No change in bag limits or season dates in 2022.

A. Secretary's Remarks

1. Agency and State Status Report – Brad Loveless, Secretary, presented this update to the Commission – We have begun preparation for fiscal year 2022 budget. So far the EDIF apportionment will be the same at just over \$5 million. We are almost completely funded by permits, licenses, park fees and we use it to leverage federal money. The money we do get from the state comes from the lottery fund (EDIF). Feel fortunate that in planning projections they will give us that \$5 million; that amount is split into about equal thirds between administrative functions, parks and tourism. Covid 19, there has been offers from federal government to help compensate for salary expenditures for that, we have gotten about \$66,000 so far, may be more coming, not a huge amount but appreciate it. Park Fee Funds finished up about 36 percent ahead in 2020 compared to the end of June 2019, which was impacted by spring flooding. The beginning of 2020 was impacted too but to the Park Division's credit they maintained well, kept numbers up as high as they could so ended in better shape at end of 2020. Of course, there are a lot of expenses there, but finished up strong in revenue. Set historic records in May and June for funding and had first \$2 million months ever. Expenses are up also because of heavy use, appreciate that and parks worked hard to serve additional customer pressure. Cash balance up just over \$3.6 million, \$200,000 higher than last year. Cabin fee fund up 12 percent over previous year. Parks are doing well, working hard and being creative. The question earlier to Linda Lanterman, they are working hard to restore properties, as you recall about \$10 million in damages from flooding. We are working our way back, prioritizing, getting areas that we can revitalize fast done first, tougher, long-term bigger investments we are still working on. Wildlife fee fund is up about one percent from this time last year. We are concerned with what will happen this fall. Got text from outfitter in Southcentral Kansas who wanted to know if we were going to do away with nonresident hunters this fall; he heard a rumor the governor might do that, but we have no indication of that at all. Our nonresident turkey season changed last spring because we got a lot of feedback from rural counties worried nonresidents would bring in the virus and cause health problems. Hoping we can avoid that. I told outfitter to educate the local population and let them know that when those nonresidents come in, how isolated they are and that you take care of them and how big an economic impact that is for your area. Educate people so they add that dimension to their concerns. We are also communicating with nonresident hunters to let them know we are looking forward to them coming. If something comes up related to Covid, or they can't come we will give them a refund. Federal funds are leveraged with state revenues. Cloudy picture right now, the main reason is a few months ago the federal government deferred tax payments because of Covid, and those taxes are what we depend on, from fishing revenues, boat gas revenues as well as hunting revenues from guns, ammunition and all that. Our

picture is cloudy on what we are going to receive. We believe gun and ammunition and fishing tackle sales are all high and revenues are, but they aren't showing up so far. Estimates we got so far indicate Dingle Johnson receipts, fishing, are down three percent and Pittman Robertson, hunting, indicates, as of third quarter, down 22 percent, those are our best numbers. We asked, and got an answer today, when those taxes are due to be in and the indication is they are deferred until this fall, so should start seeing those, but they may get deferred even later. I asked our folks how we will manage that with uncertainty, and they are telling me a delay can be managed but if extends well into next year there will be problems. Optimistic that revenues will be good, and taxes will be substantial coming to us, and we will be able to run our programs, but an uncertainty right now. Depending on good fall with nonresident hunters, for deer and upland to a small degree, will still come and enjoy our resources and spend money in Kansas. Chairman Lauber – Are we allowing nonresident deer hunter refunds past August 14? Secretary Loveless – Made some innovations but I will defer to Mike Miller who is in the middle of a plan to make it easier for them to turn it in but not lose that revenue. Assistant Secretary Miller – Working with licensing staff, came up with a plan that if somebody requested a refund because of Covid we were going to refund their money and reissue that permit to whoever was next person on draw order. We put a deadline of August 14 because we weren't sure what kind of demand there would be and what kind of pressure that would put on our licensing staff. As of August 14, we had 49 permits returned, 29 reissued and still pending on some of the others. We decided we would take each of the refund requests on a case-by-case basis like we usually do and if we can provide refunds. Once we get into the seasons it is more difficult to provide a refund, when season the permit is valid for is already going on but will handle each one on case-by-case basis. Chairman Lauber – That sounds good.

VII. RECESS AT 5:22 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

No comments.

Chairman Lauber – Doug has a video presentation from the afternoon. Doug Nygren, fisheries division director – David Breth was going to give this report this afternoon, but meeting went long but he was prepared with video. David has a task force that has been looking at ways to maximize our federal aid through increasing certifications, so presentation will go into information about federal aid program and how we can influence how much federal aid comes to Kansas.

David Breth, sportfishing education coordinator, via recorded presentation “Recommended License Changes to Increase Certification Numbers”. Certification refers to the number of unique individuals with a valid Kansas hunting/fishing privilege in a given license year and our state certification number includes both residents and nonresidents. Since the recommendations today affect fishing only we will focus on angler participation licenses. There has been a decline

in angler certifications, Kansas peaked around 1970 with 375,000, in 2010, had 350,000. Our fisheries division is funded through license sales and grants. The biggest source outside the wildlife fee fund is the Sport Fish Restoration Fund which is comprised of excise tax paid by manufacturers on fishing equipment and tackle, yacht sales and a portion of fuel tax based on motorboat use. The money is apportioned to the states based on land area and the number of certified licensed anglers. States receive apportionment through grants that require a 25 percent match, which is typically state license dollars. In 2020, we ranked 36th in certifications but because of our land area we ranked 32nd in apportionment, just over \$5 million. That represents 1.4 percent of the total pot of money. Kansas does have to move up in the certification rank in order to get more money. The 252,000 certifications represents 0.9 percent of total nationwide, we need to increase that percentage. The 2020 certification number corresponds to license year 2017. One way to increase certifications is adapting to new rule from the U.S. Fish and Wildlife Service. Recently, it was any privilege valued at 80 percent of full cost of corresponding license. The change removes that percentage and sets the value at \$2 for fishing or hunting or \$4 for a combo before the vendor fees. Many states, including Kansas, already have privileges or requirements in place that are now eligible, but nationwide there is an incentive to create more. The task force evaluated these efforts to present upcoming recommendations. First the task force identified the audiences for additional certifications and what options could be implemented. Who does Kansas not capture? Landowners fishing on their own property and guests fishing in private waters; resident and nonresident anglers under 16 not purchasing additional permits; and resident anglers 75 and older not purchasing additional permits. Additional permits could be three-pole permit or trout permit. Outdoor enthusiasts who enjoy camping, boating, wildlife viewing or hiking and hunters who do not purchase a fishing license. We looked at privileges other states offer to see if any relate to these audiences. Some require youth to have a license or offer discounts that create a variety of short-term privileges and created year or species specific permits. In Kansas we do have privileges we now will be able to count towards certification. Both youth multi-year and senior lifetime combo were discounted beyond the 80 percent threshold that made them ineligible. The rule also may increase the number of years you can count a lifetime license. For this proposal, after evaluating all of the options, the task force decided to focus on the trout program as a link to youth participation and short-term licenses. Studies show that youth participate in fishing at a higher rate than adults. We want to capture youth angler certifications with minimum impact to R3 goals; R3 is recruiting youth to the sport, retaining them until they turn 16 and invest in a fishing license or plant the seed to help reactivate these individuals later in life. About one-third of the states have a youth requirement to fish such as a junior license for required species permit; many not eligible for certification until now. The department provides a trout fishing opportunity, when the trout program began in 2005 the Commission voted that all anglers, regardless of age, must have a trout permit. This requirement was removed for youth in 2008. The current regulation does not require anglers under 16 to possess a valid trout permit, which costs \$14.50 and they may harvest two per day. The permit is required to harvest the state creel of five per day. Trout are purchased from out-of-state vendors and the price has tripled since 2005. The trout program is funded through the purchase of trout permits and Sport Fish Restoration grant. The tentative effects of this change; when permit was required it was seven percent of the total sales, without accounts for one percent and for these reasons the task force recommends creating a youth trout permit as of January 1, 2021 with same regulations and permit requirements as current trout stamp; it would cost \$4.50 plus vendor fee, so it would be \$7.00, less than half the price of current adult trout

permit. If youth comprise six percent of the total trout sales we could see around 500 additional certifications, combined with wildlife fee fund revenue this would lead to an increase of roughly \$6,000 for the program. This youth trout permit is the only proposed new permit to capture more certifications under the new rule. This does not change license exemption for the year. Next the task force looked at short-term fishing sales and whether we could increase certifications. In 2016, the department offered a 24-hour permit for the same price for residents and nonresidents of \$5.50 which included the vendor fee. In 2016, this was changed to a calendar day license and separated residents from nonresidents, residents were \$8.50, and nonresidents were \$14.50, including the fees. The nonresident 5-day fishing license was also increased, prior to 2016, it was \$22.50 and currently stands at \$27.50 and this includes the fee. A significant decrease was observed in 2016 and sales continued to decline. The uptick in 5-day sales did not make up for the loss. The price increase did increase revenue as intended but decreased to level prior to 2016. As it relates to nonresidents, seeing decrease in nonresident annual and not increasing at the same rate. One increase in 2014, was nonresident combos. There could be several reasons for this but refilling of many western Kansas lakes and popularity of trophy blue catfish opportunities are considered playing a major role in those hunters traveling to Kansas and deciding to invest in fishing too. In 2014, the agency commissioned Southwick and Associates to provide a model of effects of the price increases. Prior to 2016 we were in the optimal range for revenue. For residents the model held true at \$8.50 but the model was not designed to predict nonresident sales and pricing. Total sales for these two privileges has dropped by more than 50 percent since 2015, certification. Over 60 percent of total sales resulted in a certification. Based on the model study and license data the task force recommends reducing the price of the one-day license, the optimal price based on the model would be \$6.03, so we propose to reduce the one-day resident license fee by \$2.50 to \$6.00, including the fee; and reducing the one-day nonresident license fee by \$4.50 to \$10, which includes the fee. Many states are already positioned to increase their certifications and doing nothing now could result in losing Sport Fish and Restoration fund dollars to other states. Keep in mind as long as this new rule is in effect our staff will continue evaluating ways to increase certifications with the goal of capturing funding to benefit the aquatic resources of Kansas and its users. Commissioner Rider – I think Colorado passed something where if you are using one of their state lakes, for boating or recreation, you have to have a fishing or hunting license. Is that correct? Nygren – Yes, they just implemented that recently. We have looked at that, but it has to do with program income. If you sell things to people who aren't going to hunt and fish then you could be challenged about whether or not your certification was accurate or not. Just because they bought the license doesn't necessarily mean they are hunting and fishing. The other side of that is you may attract incompatible uses to wildlife areas so that is a concern too. Program income issues, when you charge additional fees to use public lands, a conflict of different types of users. Hunters and anglers have paid the bill most of the way and I think we would run into issues if horseback riding and other users wanted to take opportunities to use those lands in ways they haven't in the past. We are still looking all of the various possibilities on how we can deal with the fact that we have people using our properties that aren't contributing. We are also looking at some of the things having to do with paddle sports and other things like canoers and kayakers that we don't license or have any kind of registration. We have a group that is just getting formed to continue the kind of work that David has done. We will keep looking at it and coming back. The challenge on the fisheries side, is our apportionment has been declining or flat for quite some time and inflation is eating away. Right now, we are struggling just to keep existing federal aid grant programs funded out of

federal aid. The wildlife side is a little different situation because of all of the guns and ammunition that has been sold over the last few years. We don't fully understand what is going on with Covid and the impacts to the economy. The new rule is what has our attention right now and we need to take advantage of that and make sure we don't go backwards if other states are taking advantage of the new rules and we aren't we are going to slip down in the ranks and percentages as well. Trying to get out in front of it, our first attempt and focusing on these three fishing privileges.

VI. DEPARTMENT REPORT

D. Public Hearing

Notice and Submission Forms, Attorney General letters dated June 2 and Kansas Legislative Research Department report dated August 17 (Exhibit U).

1. KAR 115-6-1 Fur dealer license; application, authority, possession of furs, records, and revocation – Matt Peek, wildlife biologist, presented this update to the Commission (Exhibit V). This regulation provides oversight of furdealers in Kansas. It currently requires fur dealers to maintain record books provided by the department, and books must be filled out as fur is received, shipped, or otherwise disposed of. Regulation further states that the books are subject to inspection and copying on demand by any law enforcement officers. Proposed change is to add an electronic option to maintain records electronically rather than in our paper record books. The only change to the regulation is on page two, with the addition of electronic record system and is everywhere paper book is referred to.

Commissioner Gary Hayzlett moved to approve KAR 115-6-1 as presented to the Commission. Commissioner Warren Gfeller second.

The roll call vote to approve was as follows (Exhibit W):

Commissioner Sporer	Yes
Commissioner Sill	Yes
Commissioner Rider	Yes
Commissioner Hayzlett	Yes
Commissioner Gfeller	Yes
Commissioner Cross	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-6-1 passed 7-0.

3. KAR 115-5-1 Furbearers and coyotes; legal equipment, taking methods and general provisions (use of thermal imaging and night vision equipment) – Matt Peek, biologist, presented this update to the Commission (Exhibit X). I know this issue received some additional publicity beyond what we had done earlier in the season. I assume there could be some people new to this discussion tuned in so I will give extensive review of what we have already covered in this process. It is currently legal to hunt coyotes and furbearers at night in Kansas but the use of lights, night vision and thermal imaging equipment is not allowed for recreational hunting. That

is what we are talking about today even though the regulation is broad and covers a lot of other things. This equipment can currently be used for landowners and wildlife control permit holders when dealing with nuisance wildlife, so this activity does currently occur in the state under those circumstances, apparently without incident. The demand for allowing this equipment is for recreational use and has been growing for years. It is the most common request we get from furharvester license holders; I have less of a direct line to coyote hunters and expect we will hear from some of them. Commission is aware that individuals showing up at commission meetings for several years asking for the department to consider this. It has been an unorganized effort, not an industry based thing, individuals are aware this is allowed in a lot of other states and see it on TV and is a grassroots push to get the department to legalize this. The department hasn't supported broader legalization of the activity in the past for recreational use, primarily due to concerns on potential impact on law enforcement's ability to respond to and catch poachers. The concern is having more people out at night with lights and rifles and night vision that the likelihood of poaching would be increased by chance; it could also serve as an excuse by poachers contacted in the field that would make law enforcements job more difficult. Also, law enforcement call outs might be presumedly negatively impacted; residents may call law enforcement and force them out in the middle of the night for what turns out to be legal nighttime hunters as well as if an individual saw a shining light they might not make the call assuming it is a legal hunter when it is not. Concern about those issues has been primary reason the department hasn't supported expansion of this opportunity in the past. Back in November is when this process started. The commission asked for the department to bring forth a proposal for their consideration. The request was if this was allowed what type of limitations would you place on hunters. Since the beginning of the discussions there have been reports of legislative interest in allowing this activity, with risk being that if we fail to respond to allow some form of this that it could be broadly allowed by the state legislature in a manner that is much less restrictive and that has come up at every meeting. Safety is the immediate concern of most people when they first hear the use of this equipment is under consideration. We have reviewed this issue and the fears haven't materialized. A lot of other states currently allow this type of equipment and none have revoked it due to safety. Consideration of firearm ballistics and scenarios in which the predator hunting shots typically occur explains why. (Slides – Exhibit Y) Common knowledge that centerfire ammunition is capable of traveling a long distance, a mile and a half into the air, but people are not shooting into the air at coyotes. A coyote stands about two feet tall at the shoulder and most of the shots would hit a target a foot and a half off the ground. The trajectory of a bullet is that it drops rapidly after a couple hundred yards, shown is .223 ammo, which is a common round for coyote hunting but is typical of other calibers and ammo people would use to shoot a coyote. If you are shooting at a coyote at 200 yards the bullet would be on the ground a foot and a half below the target at a little over 100 yards beyond that, a little past 300 yards and that would be assuming no vegetation; if you had six inch to a foot of vegetation, the bullet would be impeded quicker than that. That is also assuming a flat shooting trajectory and in reality hunters usually sit up on high points which results in downward shot and in those cases enter the ground even closer to the target. Another thing worth noting, is the farther from the target you go the more rapidly the bullet is dropping. If you shot at a coyote at 200 yards it takes a little over a hundred yards farther for the bullet to drop a foot and a half; but if you took the shot at 300 yards the bullet would have dropped a foot and half within 75 yards beyond that. If target is out farther theoretically you would be less likely to know what was immediately behind it, but the bullet is going to travel less far beyond those farther shots. Looked at a number of

YouTube videos of coyote hunters using this equipment. The most common scenario is the coyote is approaching the hunter from distant location, into sight and into shooting position; as the coyote moves into shooting range the ground from where the coyote approached becomes the backdrop and the background is visible in all three equipment types. I watched a lot of different videos and there aren't any cases where individuals are shooting into the darkness beyond what can be seen, it is always background a bullet would pass into. There is the possibility of shooter error or poor judgment in any instance. After watching these the one thing that jumped out at me was that the rules of hunter education still apply to these cases, know your target and what is beyond or don't take the shot. As far as I can tell those principles are not inherently jeopardized or negated by the use of this equipment. You can either see what is in the background where shooting and you can tell you are shooting at a coyote, or you don't take the shot. Still possible to subscribe to those safety measures. We surveyed a lot of other states on several occasions about safety violations and other potential concerns about this type of hunting and consensus seems to be that risks or violations associated with using the equipment is not measurably different than other types of hunting. Not to say they never have safety issues that occur and not to say never violations that occur because there have been but don't appear different than other types of hunting. A lot of other states with experience on which to rely. We presented these in one format and at the last commission meeting Commissioner Sill asked for a table showing what other state regulations specific to limitations we are considering (Exhibit Z). The states included are all in my Midwest Furbearer working group and also included Colorado and Texas. Six columns at the top are options we are considering. Lights, night vision and thermal imaging equipment is allowed for recreational calling. The take home from this table is that most other states currently allow something. Missouri has a proposal pending right now and Oklahoma is the only one that doesn't but did have legislation that was going to allow some of this in 2019 but legislature is shut down due to Covid 19, so it went away. Missouri has something proposed and they have a September vote. A lot going on with this issue, Iowa and Kentucky both had relatively recent changes. Pennsylvania and Louisiana both legalized this, but they are not in this group, so other states have stuff going on. Our proposal is consistent with quite a few states, 10 of them are similar with our proposal in that if they allow any lights at all, they allow all three light types and also similar to us in that they prohibit vehicle use. The states are split 50/50 on whether or not there are firearm restrictions and whether or not there are season dates versus year around open season. Our proposal is in the minority in limiting hunting to coyote-only and public land prohibitions, restricting it to non-department owned or managed lands. States we are most similar to are Missouri's proposal and Kentucky's regulations, similar on five of the six recommendations; similar to Ohio on four. Besides Oklahoma, which doesn't have anything, the states the proposal is least similar with is Wisconsin, Colorado and South Dakota with a commonality of only two of the fields. Fair chase has come up often in these discussions and critics would ask if fair chase to hunt with multi-thousand dollar technology that might provide a significant advantage over wildlife's natural ability to detect danger; proponents would argue this is no less sporting than some of the other currently allowed hunting techniques for coyotes. At minimum fair chase discussion is subjective. Specific regulation states from January 1 to March 31 and the following provisions shall apply to the hunting of coyotes. We selected January 1 through March 31 season dates because this is after busiest time of year for law enforcement which will provide them with opportunity to see how this is going to work. It is also after the rut and antlered deer season so hopefully will reduce some of the constituent and law enforcement concerns about poaching, particularly of antlered deer. January 1 opener is still early enough that

fur still has some value, for about another month; and March 31 closure is before the coyotes have pups. We recognize there is a year-round season already that people can hunt coyotes, but it isn't established by the department. So, given the option to choose our own dates we would shut it off. This is during primary calving season, one of the reasons this activity was promoted was to allow more ability to address livestock depredation issues. Limit to coyote only, demand primarily by coyote hunters at this time and this regulation as written would result in a substantial change in harvest susceptibility to some furbearer species that we need to give further consideration to before opening them. The next part of regulation allows all three artificial light types, not just night vision or thermal imaging, it allows all types of artificial lights. We made the decision to allow all three if we were going to allow any of them because of broad price range we didn't want to economically discriminate. It prohibits the use of vehicles; we don't like the idea of people driving down the road and shine fields. The use of this equipment shall not be authorized on department lands and waters and that would include walk-in hunting areas. Our public lands managers have some of concerns about poaching and increased call-outs expressed. These are high-use areas, so heightening concern about conflict between users and safety concern. They also indicated they don't have a need for additional coyote harvest on their areas. On the case of walk-in areas there was some concern that by allowing this, on private land a landowner can say no if he doesn't want anybody out there, walk-ins would be open to hunting so concern that allowing this on WIHA could cost us some cooperators and land in the program. Each person using this equipment shall obtain a permit; this proposal is to establish a permit at \$2.50 processing fee, which would allow us to survey users, identify use and track this for a couple years before we decide to open it up, keep it or how we want to proceed with it. Basically, a cautionary way to monitor activities more than if we just opened things up.

Commissioner Cross – How long has nighttime coyote hunting been allowed in Kansas? Peek – I don't know exact answer to that, but decades, a long time. Commissioner Rider – When we looked at the states, appreciate thorough research, did they have any type of call sheet or something along those lines that showed how many call outs law enforcement had to make on nighttime hunting or if it dramatically increased as far as call outs? Jason Ott – States I spoke to did not see dramatic increases, did see increases. There is concern from not just game wardens but local law enforcement as well, but I don't have any numbers or data. Commissioner Gfeller – We received a letter from the Kansas Sheriff's Association and Kansas Game Wardens, fraternal order police lodge 59; both expressing concerns around safety and strain on law enforcement. What is your comment on that? Chairman Lauber – The Kansas Sheriff's Association wrote a letter that basically said while you are making this decision think of all of the important things; I got the impression that they were requested to send a letter, didn't understand the facts and basically said be careful whatever you do. The fact that we got a letter from the Game Wardens Union, surprised me. I have seen a disconnect between labor and management in large corporations, but they acted like they were unaware this was taking place, which is astonishing because their division director, Colonel Ott, has been involved in this since day one and a lot of the compromises and considerations that have been made out of deference to law enforcement concerns. I sent a letter to the Union and asked them if they wanted to make some comments, I was not inspired by their letter. The Sherriff's Association did not say don't do it, it said be mindful of issues. Colonel Ott, your people should have been aware of this, shouldn't they? Ott – This has been discussed in front of the Commission, command staff meetings and in front of the entire group multiple times. I was unaware of the stance or letter being sent and I can't speak on behalf of the FOP. Secretary Loveless – Questions brought up by these interested parties are the

same questions we discussed internally when this first was brought up; safety, poaching, and it accelerated from that. You follow the numbers and we did research with other states to see if those fears had been realized. I was a sceptic too and didn't see a reason to add another bell and whistle. Our desire is to allow as much flexibility and freedom on part of our customers as possible but still stay in boundaries of safety for public and wildlife. My conclusion, after working through all of that and looking at the numbers. Starting with our concerns, and what other states are doing and their experience. We are out there collecting data and based on all of that our conclusion was that this is a reasonable expansion of opportunities for Kansas sportsmen and women that we think is warranted. We tried to build into this regulation, things to affect in a positive way, those concerns all of us share. Out in Goodland this morning, approached by Sherman County Sheriff who stated he knew we were talking about this extra opportunity for coyote hunters and said they had some concerns. They are worried about safety and wanted to be sure people weren't poaching. I told him we have looked at that from other states and those don't appear to be issues. I told him we are comfortable moving ahead with the way we have structured the reg change. He said that was fair and they just wanted to make sure those things were being considered. That is our position and we feel this is a fair expansion of opportunities.

Commissioner Rider – Secretary, you feel our law enforcement are equipped and prepared to handle this regulation if put into effect? Secretary Loveless – I do, I am confident that they will manage it well; we are always worried about significant increases in workload and we will have to have those conversations if this results in a large number of call outs. Based on other states information and experience, we don't think that is going to happen. We will watch that and be careful of it. Commissioner Rider – Colonel, are you in line with that? We are not putting law enforcement at a significant disadvantage. Ott – That concern is always there, and we have talked about it at many meetings, but based on information from other states and research done it doesn't look like it will pan out that way, but we don't know that. Yes, we have concerns and we will keep an eye on it. We will manage and find a way within the bounds of whatever comes. If we are having significant problems then we will be in touch with the Secretary and have it readdressed. Commissioner Rider – Research done has been significant and thorough and covered all the different players. My concern was overburdening law enforcement and putting them at significant disadvantage or having large problems or something along those lines.

Commissioner Hayzlett – Compliment Matt Peek, exceptional research...they have, good job...everything Matt covered this evening had telephone negative calls, but more positive calls...counties are different in this. That was my big concern, law enforcement. Safety issues I thought had been addressed. My concern was overburdening law enforcement or putting them at a significant disadvantage. I know you will keep track of that and come back if there are problems. Commissioner Hayzlett – I want to compliment Matt Peek; he did some exceptional research. Some of the calls I got were that we didn't know what other states were doing. I got the letter from the sheriffs that said we didn't have any research, but they have and done a good job and appreciate that. I have had negative calls on everything Matt covered this evening, but near as many as the positive calls. Call today, guy said counties are different and said you come from plains states and they had trees and you can't see beyond them. The good presentation on ballistics answered that, you are shooting at a ground target that is pretty low and he showed exactly what should have been presented there. Appreciate comments from Secretary and research Matt has done. My compliments to you. Commissioner Sill – What has research shown about penalties for violators in other states? Penalties in our regs are not severe, don't appear to be much for violating. Are there mandatory penalties for violations? Ott – I do not have any

information on penalties in other states. Peek – I don't either. Chairman Lauber – If talking about deer poaching, then the penalties and cost per antler size goes into effect don't they? Which are not insignificant. They would not apply if somebody shot a raccoon instead of coyote. If the concern is deer poaching there are serious penalties. Ott – Yes sir, the violation that occurs, whether in dark or daylight, are the same. If illegal take of a deer, all violations would apply. Commissioner Gfeller – This is a tough issue, I am a lifetime hunter in Kansas, hunted every species including coyotes, own cattle ranch and hunt coyotes to help with control. Understand all sides of the issue, as a hunter, as a rancher, as a landowner and as a conservationist. I've read tons of input on these issues, many for and many opposed, all articulate and passionate. I have to go through it one at a time. Those opposed general theme is four things; safety, strain on law enforcement, fair chase, and whether we need it as a control issue. There are compelling arguments and I know we have been told some of these issues don't matter in our own regulation we validate those concerns by excluding public lands and WIHA out of concern for landowner positions and other furbearing animals. I was told that at last meeting, based on fair chase component. If all we do is create confusion on who is out there we put a strain on law enforcement, and they don't need the extra stress. On the pro side of it, I understand those issues but basically we've been told we need for control, but don't need it because we have other control mechanisms. In my case, we control our own populations under current regulations. I don't see where this expands hunter base, it is not going to be a youth program. Basically, what I see is existing coyote hunters who want an easier way to hunt coyotes, so I don't see expanding the hunter base. You are going to have to help me get over those hurdles, particularly the fact that we have excluded for safety, fair chase and for law enforcement certain regulations. Chairman Lauber – I understand what you are saying. I tend to think most of the concerns you pointed out as to why you are opposed to it have been well addressed. This is probably going to be one of those issues that is not going to receive a unanimous consent, if it receives consent. If people are dead set against it they are and there is always a reason to wait and not do it. Part of it is animal control and part of it is a sport and it expands opportunity. It might expand to kids; they might be able to do it during spring break or weekends. If dead set against I am not sure there is anything that can be done or said to make a difference. Commission Gfeller – That is probably true. I have come to the meeting to make a decision. I have thought about it long and hard and I don't agree that my concerns have been addressed because we have excluded public lands for safety reasons, excluded WIHA for same reason plus concern over landowner objections and we excluded other furbearing animals because of fair chase component. By our own actions we validated the opposition. Chairman Lauber – I'm not sure that is correct. I don't think fair chase was the reason was our furharvest coordinator didn't want to include other animals. Part of this is trying to get a system set up that is moderate and mild compared to what a lot of people want trying to create a compromise. It may not be possible that everybody embraces that compromise. I think questions have been resolved and Warren you don't. Secretary Loveless – Commissioner Gfeller, I am going to ask Matt to address fair chase with other furbearers, he addressed it at another meeting, and I don't remember it exactly the way you are. I can address questions about exclusion of public lands and WIHA. In WIHA we have relationship with those folks, and we feel fortunate that they allow the public on to hunt the way they do, that is a gift to the state of Kansas, an incredibly important program. In our judgement, to extend hunting day throughout the night is going an extra step we feel might jeopardize those areas; not a safety issue but a relationship issue. It is a calculated judgement and we don't perceive being able to hunt on WIHA as a constraint to people being able to use this opportunity with night vision. In terms of

our public lands, it simply came down to multiple uses, people out there camping and doing all sorts of things. That is not the same as a private landowner has, you know what is going on there and it is up to your ability to judge if they can safely do that night hunting. We do not have that kind of monitoring or exclusion abilities on public lands. It came down to multiple users and our concern about posing a risk people out hunting, doing a night hike or checking owls. Not a good compatible use for those areas. Peek – I also noticed that most of the other states don't have land ownership limitations. While we did do that we still recognized most other states considered this to be a safe enough thing to allow on those multiuse areas. On furbearers issue, fair chase, in the case of a couple of our furbearers the use of artificial light means walking up and down and shining along streams, or floating down streams and shining, walking along a corn field edge and shining up into a tree and shooting what is in tree. My main comment today was that significantly changes the susceptibility to harvest of those species and we need to give it further consideration. In the case of raccoons, which have wreaked havoc this year with damage; over the past four years we are harvesting 45,000 less raccoons per year than what we had on a ten-year average prior to that. In a year or two may consider this a solution for raccoon population and damage issues. Right now, we need more time to think about it before we do something that would potentially change how they are harvested. Beavers are the other one, you float the river, they are sitting on a sand bar, so you shoot them. Some people might consider that a population or damage solution in times when harvest levels are low as they have been. That was the thought process that went around on those species. At a previous meeting I did talk about that being fair chase issue if you walk along edge of cornfield and shoot the coon out of the tree. I think Commissioner Gfeller is right about that and Commissioner Lauber is too; you are both right, generally it is harvest technique type of thing. Commissioner Sporer – Most of negative comments I received were opinions of what they thought was right and wrong. I have an opinion on my farm, the more habitat I build for upland game birds and deer, the more coyotes I have. I have predation problem on my farm, and I am excited about this regulation and the fact that at some point I can control it. Matt has told us coyotes are expanding and getting to be more coyotes. Matt and the department has spoken about facts, and that there really hasn't been any other states with law enforcement problems or other problems. He showed the ballistics on rifles and talked in facts. Matt's presentation was realistic and honest and based on facts. Chairman Lauber – I agree.

Nadia Reimer, chief of public affairs – Thanks to the members of the public we have had waiting. I see hands raised and have been keeping tallies of who has expressed desire to speak, so we will go in order. I had several gentlemen who expressed their thoughts via chat. I will go through them one-by-one and allow for commissioners to address each one of those individually just like we would at normal in-person meeting. Then we can follow up with those with hands raised.

Greg said, "Hey guys, thank you hosting this, great idea. I am an avid deer hunter and coyote caller myself and would love to provide a little insight. I'm against the use of artificial lights for a couple of reasons. Our coyote population is getting record pressure from calling, chasing and trapping due to increase in popularity and fur prices. Second, technology has evolved considerably with calls, suppressors, etc. putting the odds in the favor of the hunter. While I am a fan of the hunter, please don't forget that coyotes, deer, etc. aren't an unlimited resource. Please consider making adjustments to deer regulations to protect mature buck herd and also evolve with the change in technology. Muzzleloaders are accurate to 300 yards, archery equipment to 80 yards and new rifles to 600 to 700 yards. I love to hunt as much as anyone, but I think we need to

protect our resources as well. One hundred percent success rate is not always a good thing.”

When Matt showed imagery Greg said, “And can you, 100 percent, identify this is coyote, not a dog or bobcat?” Chairman Lauber – I see point his point on some things. In some cases, like high fur prices, I’m not sure that is a realistic issue. Commissioner Sporer – Matt, when we first started this discussion, one of the first items of his concern was the coyote populations in Kansas, and he indicated they are on the rise, maybe that is some we ought to look at.

Reimer – The next message was from Orval Henderson. He shares, “I am disabled, a trapper and coyote hunter in Cowley County. It would be easier for me and my son to call at night. The rancher will know I am there and responsible for and take responsibility for a shot around cattle and other livestock. We do not have a shortage of coyotes. I live in the country, hear them and hear about their destruction of game and wildlife.” He also added, “Consider the amount of daylight during those months and the hours of the day worker. I am a nuisance control holder, which I found out I could hunt for the landowner. What if I have another shooter?” Chairman Lauber – As she reads these if any of the commissioners wants to respond to an individual, say so. Other than that Nadia just go ahead.

Reimer – Next message from Lane Hensley. He shares, “I have great concern with the ability of the already short-staffed game wardens per county to be able to patrol these areas with increased criminal trespassing at night. It seems to me our guys have a hard enough time in the light of day. Keep in mind we are one of the best whitetail destinations in the nation. Legalizing this would be putting that resource in jeopardy, to say the least. If this passes the whole state will turn into walk-in at night and it would be wise to invest in more ticket books.”

Reimer - Brian Garrison sent an email stating, “Many states have call in to let law enforcement know you are out.”

Reimer - Daniel Sharp, he shared, “I understand the run and gun aspect of shooting from a vehicle. But please consider the option of using a high platform in a pickup bed. Stationary, not running or anyone in cab, better vision and safety. Dan Sharp, cattleman.”

Reimer - Dean Masters, he shared, “For deer poaching how could you know if the shoot was taken during legal hours. People spend hours trying to find deer that were taken in plain daylight and end up finding them after dark. What’s to keep a poacher from making that claim.”

Reimer – I am going to move over to the individuals who raised their hand to speak for themselves. *(She introduced each one individually)*

Austin Lanier – I am farmer, cattle producer and avid sportsman in Sedgwick County. I am very excited about this and I urge you to pass it. As far as safety concerns, I do understand that and that has to be addressed, but the safety concerns are there during the day hunting too. If someone is going to break the law they are going to do it night or day. As far as coyote population, it is expanding rapidly, last year alone I caught 20 coyotes with a one-mile radius of my farm and my cattle herd. I love to call them, but around the city calling has failed, at least during the day.

Hundreds of people have come out and had no luck at different times. I grew up in northwest Kansas, we had tremendous luck with it, but it doesn’t work down here. We can’t obviously hunt them with dogs because of the population here. Every time you turn around they are running through somebody’s yard. I understand the ballistic problems, but you need to know what is behind you, so you scout during the day. As far as protection of livestock, we are out at night checking calves and we see gobs of coyotes. I know that as a landowner we can get them ourselves but if other people out there it greatly enhances our chances of not losing a calf or cow that goes down when she is having a calf. Two years ago, we lost five cows and calves because we had some issues with calving and coyotes killed them while they down having a calf in the

middle of the night. I strongly urge you to vote in favor of this as it would greatly help all the farmers around to not lose more money in already trying time.

Clayton Smaltz, Johnson – I agree with Austin, strongly suggest you pass this. I run a 40,000 head heifer development yard. Since I started recording causes of death 20 months ago, I have lost 118 head due to coyotes at \$500 apiece that is nearly \$60,000 in loss due to the uprising of coyotes. We have done everything we possibly can to diminish these things. We have trapped 50-60 coyotes in 20 months and shot nearly 45. That is 90 plus coyotes in 20 months. I strongly suggest everybody get on board with this and protect our livestock and Kansans. Let's get this done.

Reimer – If Alan Angler is on you are next. *(no response)*

Joe Goodeyon – I would like to address backdrop concerns. All of us that hunt coyotes during the day always know where we are at, where we are shooting, where the houses are and where livestock is. The cyclical population, anybody who follows the coyotes, it is up and down and now population is up. Out in northwest Kansas there is a tremendous number of them. I don't have a farm for profit but lose a lot of livestock to bobcats and coyotes. I don't think we are ever going to see a fur demand like we did in the 1970s to generate something that is going to cause a problem. For raccoons, coyotes, bobcats or anything like that, prices are never going to come back. I would appreciate the commission looking upon this favorably.

Reimer – We have two more individuals who have expressed interest in speaking. Before that I have a follow up statement from Lane Hensley. He added, "The more hunting pressure you put on them with calls at night and during the day, the more conditioned the rising numbers will be to callers. Good luck managing their numbers."

Zac Castle – We understand the commission's intent is to provide clarity on what is permissible around this issue. The hunting community that is informed on this issue, which I am in, have an understanding that the current regulations are worded to allow for these technologies for both furbearers and coyotes currently, and coyotes year-round. This becomes obvious whenever you compare deer hunting regulations that used to be completely verbatim exactly as KAR 115-5-1, but the deer hunting regulation was updated to not allow for these technologies with very clear wording. KAR 115-5-1 was not updated in this manner. The commission has chosen to interpret this regulation contrary to how they are written. Authorizing statute KSA chapter 77 clears that such interpretations are not permissible. For this activity to be closed three quarters of the year will have a detrimental economic impact that is not accounted for in the economic impact statement. Missed opportunity for outfitters who pursue this type of hunt for their clients have filled their tag. We feel this proposed rule is designed for interest of law enforcement than it is for interest of outdoorsmen. The state legislators I have spoken to seem to have no problem with interpreting these regulations as they are currently and seem to agree that the activities should be permissible in a much broader sense. We would like the commission to consider a much broader means of allowing this sport to happen in a way that is much more in line with the thoughts and feelings of Kansas hunters and ranchers.

Douglas Bethe – Thank you. Mr. Peek, a good presentation, a lot of good facts were expressed. I appreciate it. From my position, I urge commission to do this. I call for several area farmers and stockmen in Salina area to help keep their predation problems down because they lose several calves every year. To get back to nighttime, I had the opportunity several years ago to go to large ranch near Wichita Falls, Texas and hunt there. What we would do to call at night, was call the local game warden to tell him what area we were going to be in, we knew property owners, but to give them a heads up. That was appreciated so that is another angle we could stress to people.

Give local law enforcement a heads up when you are going to be out and likewise let the landowner know when you are going to be there. I would urge commissioners to pass this. It adds a completely new dimension to the sport of calling coyotes, it is exciting to go out at night. You have to take an extra step to be sure of target at night, when getting tired take that extra moment to ensure what you are seeing is what it is. I am excited about it and hope you take action on it.

Reimer – Clayton Smaltz made further comments. He said, “If we are worried about safety measures make the license higher priced than \$2.50, make it \$300 to \$500. Those of us that want this to pass have thousands of dollars invested in this. My thermal was \$6,500 and night vision was \$3,500. Make the license high so less people will be out at night for they cannot afford a license or the equipment necessary to hunt at night.

Commissioner Gfeller – Could we get a comment on that? It is interesting.

Chairman Lauber – I don’t think we want to price people out of the market. The fee we are talking about, \$2.50, enables us to monitor with a hunter survey to get a handle on what kind of activity. For the same reason we allow entry level spotlights, I don’t want to keep the common man from being able to hunt. I don’t want to price it out. I want to pass it but wouldn’t raise the price to restrict numbers. Commissioner Gfeller – It makes sense. Mr. Secretary, same opinion?

Secretary Loveless – Yes. We are trying to be more inclusive as opposed to less inclusive. We recognize numbers will be pretty low by normal standards. We don’t want to do a lot more to reduce use, it is already a pricy endeavor. I agree with Chairman Lauber and the comments Matt has made in the past. Commissioner Sill – Matt, based on what other states have told you, how much do we expect harvest to increase, if it passes? Peek – Most other states don’t do a good job of tracking the specific use of this activity. You might recall at one time I was trying to track down what states required licenses. Colorado game wardens give out permits to individuals, not centrally maintained. I couldn’t find any state that had a specific level of harvest that they could attribute to this technique versus anything else. I would not expect this to be significant population control measure. Last year we harvested more coyotes than we have ever documented, 175,000, according to small game and furbearer harvest survey. This is going to be one more of a series of techniques already used to take them. The advantage these livestock producers are talking about is it can be used to address specific instances of damage and specific individual coyotes not as likely to be taken in other ways. Commissioner Sill – This doesn’t change that the opportunity already exists. Peek – As the one producer said, it’s easier for them to allow the local hunter to work rather than the landowner or cattle owner himself. He can let the guy who wants to predator call for recreation solve his problem. I do think there will be a fair number of people do it. I think it will result in fewer coyotes shot in daylight, so it would be inaccurate, our eventual harvest estimate might be. If it is 10,000, we can say we killed 10,000 more than we would have but what is going to happen is these callers who are calling during the daylight, some of coyotes killed in daylight will be killed at night now. It will result in a few more coyotes harvested as a whole. When already killing this many, it is hard for me to imagine that it is going to result in a meaningful increase in harvest of the population. Secretary Loveless – I knew Matt’s intention was to talk about population impacts. But localized improvement is what landowners are hoping for and that is based on effort and a variety of factors they can control.

Jason Dickson – One more comment from Orval Henderson and I didn’t have time to send it to Nadia. He said, “I am retired and on a limited income. My interest is not for profit but to help my rancher neighbors keep from losing livestock. I have ranchers as neighbors, and I watch and hear

the coyotes move with the rancher's cattle.”

Reimer – Two more brief comments.

Andrew Suiter, Valley Center said, “I would like to say something on concerns of poaching. With the increased number of hunters at night for coyotes that increases the number of eyes out in the field aiding law enforcement in the fight against poaching.”

Michael Hoffman shared, “Thermal imaging can't see antlers which is the superior method of identification, it would limit several concerns.”

Commissioner Gary Hayzlett moved to approve KAR 115-5-1 as presented to the Commission. Commissioner Aaron Rider second.

Commissioner Gfeller – I would like to say again how much I appreciate the input from the public. We have had a considerable amount pro and con to this. Very articulate and it is the kind of thing that makes the job a little more difficult when you have such good comments addressing both sides of an issue, but good to have. Also, appreciate the work of the staff on the issue.

The roll call vote on regulation KAR 115-5-1 as presented was as follows (Exhibit AA):

Commissioner Sporer	Yes
Commissioner Sill	No
Commissioner Rider	Yes
Commissioner Hayzlett	Yes
Commissioner Gfeller	No
Commissioner Cross	Yes
Commissioner Lauber	Yes

The motion as presented on KAR 115-5-1 passed 5-2.

XII. OLD BUSINESS

None

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

Chairman Lauber – Expect next meeting will also be virtual. We are getting better at it and getting more public comment. May have digital presence at all of our future meetings. We will have to see.

Sheila Kemmis – Possibly set March and April meetings. Counsel Tymeson – Not prepared tonight, next meeting in a month. People's schedules are in a state of flux right now with school starting. Kemmis – Since we are booked into a hotel in September, I need to know as soon as possible if we are going to go virtual, otherwise I am going to have to pay for the meeting room or at least a part of it no matter what. Commissioner Rider – When is it scheduled I didn't think we had one until November. Kemmis – September 24. Chairman Lauber – I don't think we are going to have a good handle on this. We had how many people here tonight? We had 50 at one point. Assistant Secretary Miller – There were 82 people on Zoom before we voted and at least

50 watching on YouTube. I think we set a record. Chairman Lauber – All of those people won't come to Topeka, but we are getting a lot of public view and more non-staff members attending than we ever had before. We don't have to make a decision, but Sheila is right these hotels are sucking air and they are going to want to take advantage of whatever booking reservation they have if we don't check out by a certain time. I have a hard time thinking we are going to feel comfortable in 30 days and having a meeting that might exceed the Governor's 50 people threshold. Secretary Loveless – I believe you are wise, as state numbers are as bad as they have ever been, hard to anticipate significant improvements in a month. I believe you are wise to continue this pattern of Zoom meetings. Given Sheila's recognition of potential money loss if we delay this decision that is a wise course of action. I do really appreciate the thoughtful input by commissioners tremendous outpouring of sentiments from the public. We make better decisions as an agency and the discourse over this alone helps us be better at preparing and bringing you our informed opinion. Appreciate commission's work and public's expanded input. Chairman Lauber – You are welcome. I think we should go ahead and figure on having a meeting virtual for September and I think we can schedule meetings in advance. Maybe if looking at March we move the Topeka meeting back to then. Kemmis – We will leave those dates open for now and I will cancel Topeka and go virtual. Chairman Lauber – We should. I think nearly everyone here would prefer to have a live meeting but don't think we will be in a position for that. The Governor is stressed and being pushed on from both sides. Whatever happens it is going to be a maximum size meeting. Pleased that we had this many people show up at the meeting. Like people if they sit and listen to the meeting, they hear what we do and have better understanding of why we make some of the decisions we make.

September 24, 2020 - Topeka, Capitol Plaza Hotel – **Changed to Zoom meeting**
November 19, 2020 - Oakley, Buffalo Bill Cultural Center
January 14, 2021 - New Strawn

XIV. ADJOURNMENT

Adjourned at 8:14 pm.

Secretary's Remarks

Agency and State Fiscal Status

No briefing book items – possible handout after the meeting

General Discussion

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 overlapping the firearm season. With the exception of annual adjustments in permit allocations, this regulation has basically been unchanged since 2006.

Discussion & Recommendations

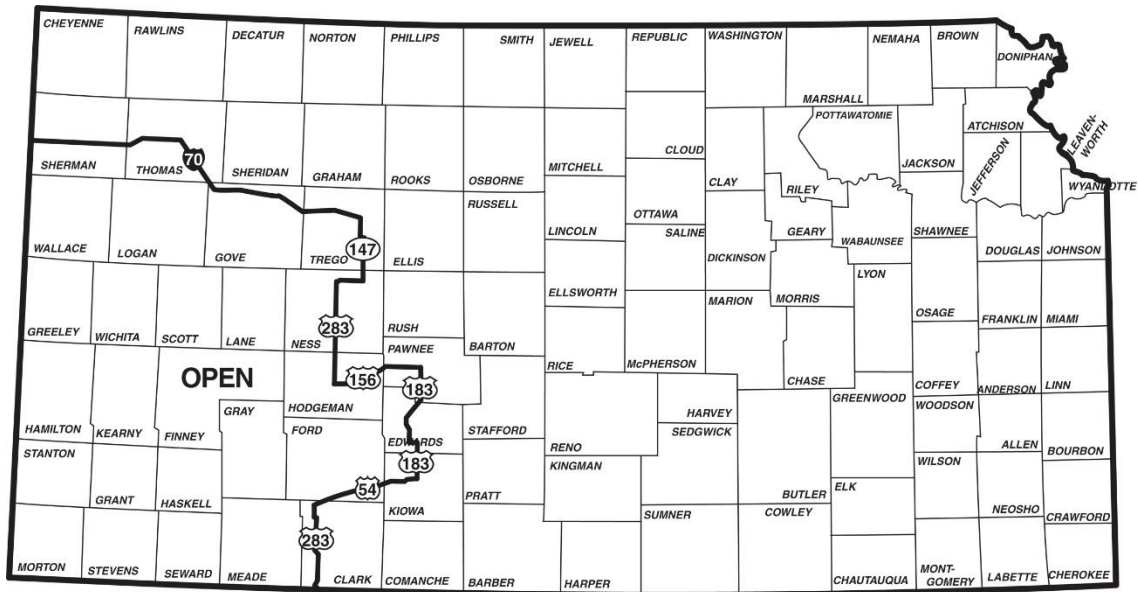
No changes are recommended for this regulation at this time, including season structure, bag limits, and permits.

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. Firearm and muzzleloader permit allocations will be determined following winter aerial surveys.

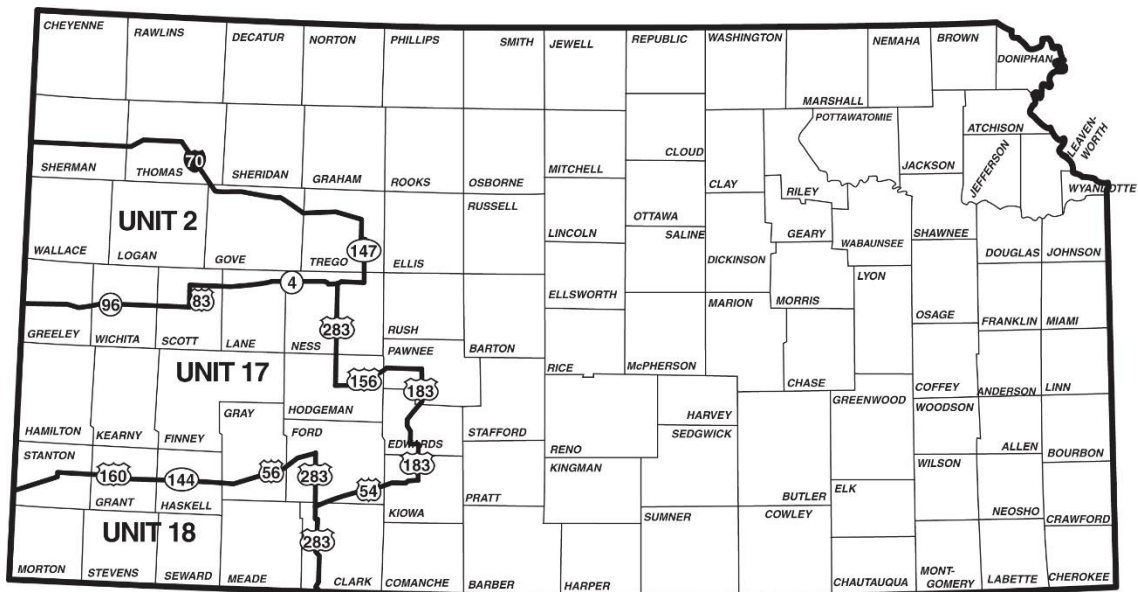
The proposed season dates are:

September 18-26, 2021 and October 9-31, 2021 for the archery season.
September 27, 2021 - October 4, 2021 for the muzzleloader season.
October 1-4, 2021 for the firearm season.

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.

Since 1999, longer seasons and less restrictive permitting options have been authorized except near Fort Riley and the Grasslands. This framework is intended to allow for elk that may be causing crop damage or other conflicts on private land to be harvested, and for landowners to have 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

We do not currently anticipate any changes to season structure, 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 proposed season dates on Fort Riley are:

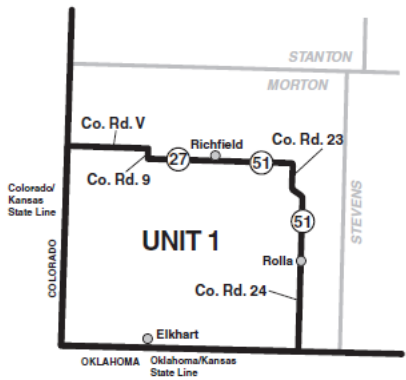
- a) September 1-30, 2021 for a season in which both muzzleloader and archery equipment may be used.
- b) October 1-December 31, 2021 for the firearm season.
 - a. Any elk permits are valid during all three months.
 - b. One-third of the antlerless only permits valid during each of the following segments:
 - 1) First segment: October 1-31, 2021.
 - 2) Second segment: November 1-30, 2021.
 - 3) Third segment: December 1-31, 2021.

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

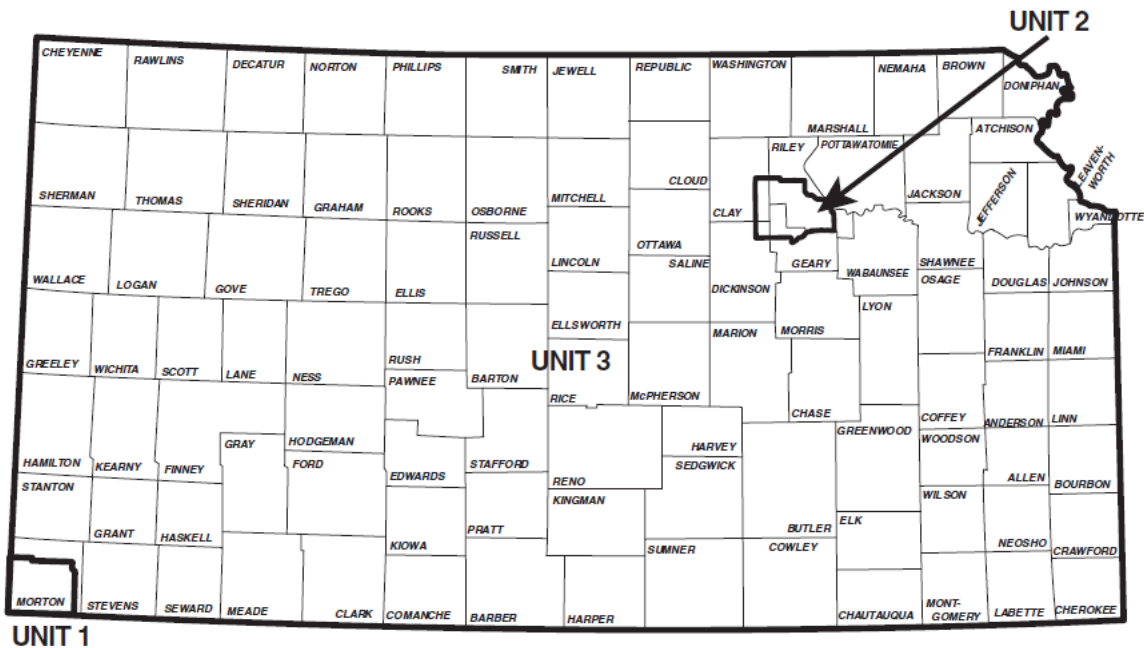
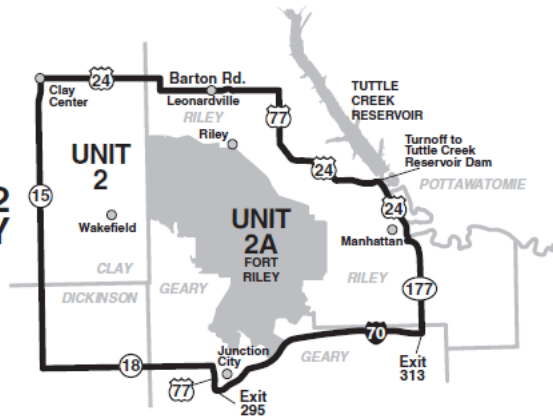
- a) September 1-30, 2021 for the muzzleloader season.
- b) September 13-December 31, 2021 for the archery season.
- c) August 1-31, 2021, December 1-12, 2021, and January 1-March 15, 2021 for the firearm seasons.

Elk permits will be available only to Kansas residents, and permit applications will be separated into military and nonmilitary applicants. Unit 2 permit recommendations will be determined at a later date. An unlimited number of hunt-on-your-own-land antlerless-only and either-sex elk permits will also be authorized in Units 2 and 3. An unlimited number of general resident and landowner tenant antlerless-only and any-elk permits will be authorized in Unit 3.

Elk Units



NEW UNIT 2 BOUNDARY



Outdoor Mentors Update

No briefing book items – possible handout after the meeting

Workshop Session

Park Regulations

No briefing book items – possible handout at meeting

2021 Reference Document Proposed Changes for Special Length and Creel Limits:

- Kanopolis Reservoir -- change to a 20/day creel limit on crappie.
- Junction City - Helland Pond -- add a 15-inch minimum length limit and a 5/day creel limit on largemouth bass and a 5/day creel limit on channel catfish.
- Sherman County – Smoky Gardens -- add a 15-inch minimum length limit and a 2/day creel limit on channel catfish. In addition, add catch and release only for largemouth bass, bluegill, and redear sunfish.
- Agra City Lake -- add an 18-inch minimum length limit and a 2/day creel limit on largemouth bass.
- Plainville Township Lake -- add an 18-inch minimum length limit and a 5/day creel limit on largemouth bass.
- We have a unique situation in Southeast Kansas, where four major river systems (Caney, Little Caney, Verdigris and Neosho) are greatly influenced by Oklahoma reservoirs. These four Oklahoma reservoirs (Hulah, Copan, Oologah and Grand) have been intensely managed for Blue Catfish for over a decade and have greatly influenced the catfish populations in our systems.

We are considering proposing a regulation change on Blue Catfish from the current 5/day creel limit to a 10/day creel limit on the Caney, Little Caney, Verdigris and Neosho River systems. This regulation would include the entire Caney River and all its tributaries and the entire Little Caney River and all its tributaries. We are also considering proposing this regulation would include the Verdigris River upstream to the Toronto Reservoir Dam and all of its tributaries including: the Elk River upstream to the Elk City Reservoir Dam, the Fall River upstream to the Fall River Reservoir Dam and Big Hill Creek upstream to the Big Hill Reservoir Dam. In addition, we are also considering that the regulation be in effect on the Neosho River upstream to the John Redmond Reservoir Dam and all its tributaries including Labette Creek upstream to the Parsons City Lake Dam and Wolf Creek up to the Coffey County Lake Dam. And finally, we propose this same regulation on the Arkansas River from the state line upstream to the 21st Street Dam in Wichita and on the Ninescah River from the confluence with the Arkansas River upstream to the Kingman City Dam.

- Olpe - Jones Park Pond -- add to the list of Youth/Mentor Fishing Locations. No cast nets and seining allowed.
- Emporia - Jones Park Ponds -- add to the list of Youth/Mentor Fishing Locations. No cast nets and seining allowed.
- Emporia - Peter Pan Park Pond -- No cast nets and seining allowed.
- Johnson County - Kill Creek Park Lake: add 15-inch minimum length limit and a 2/day creel limit for Channel Catfish, 15- to 18-inch slot length limit and a 10/day creel limit for Largemouth Bass, 18-inch minimum length limit and a 2/day creel limit for Smallmouth Bass, 18-inch minimum length limit and a 2/day creel limit for Walleye, 18-inch minimum length limit and a 2/day creel limit for Wiper, 50/day creel limit for Black and White Crappie (single species or combination), and 4/day creel limit for Rainbow Trout.

- Johnson County - Lexington Park Lake: add 15-inch minimum length limit and 2/day creel limit for Channel Catfish, 10-inch minimum length limit and 15/day creel limit for Black and White Crappie (single species or combination), 15- to 18-inch slot length limit and 5/day creel limit for Largemouth Bass, and 4/day creel limit for Rainbow Trout.

Other 2021 Proposed Fishing Regulation Changes.

Change 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions.

We would like to **update our prohibited species** list to include fish and crayfish species that would align our list with the Federal Injurious Species List, which added several species in 2016.

- We propose adding:
 - Crucian Carp *Carassius carassius*
 - Largescale Silver Carp *Hypophthalmichthys harmandi*
 - Prussian Carp *Carassius gibelio*
 - Wels Catfish *Silurus glanis*
 - Eurasian Minnow *Phoxinus phoxinus*
 - Stone Moroko *Pseudorasbora parva*
 - European Perch *Perca fluviatilis*
 - Nile Perch *Lates niloticus*
 - Roach *Rutilus rutilus*
 - Amur Sleeper *Perccottus glenii*
 - Zander *Sander lucioperca*
 - Yabby, common (a crayfish) *Cherax destructor*

Change 115-7-10. Fishing; special provisions.

Last year white perch were found in Wichita - South Lake, so we need to add this impoundment to the Kansas Aquatic Nuisance Species Designated Waters list. In addition, zebra mussels have recently been found in Linn County - Linn Valley Lake - Main Lake and needs to be added to the list.

Change 15-1-1. Definitions. (a) (39)

We would like the words "Carp" and "white amur" removed and replaced with "Common Carp, Silver Carp, Bighead Carp, Black Carp and Grass Carp"

Change 115-7-3. Fish; taking and use of baitfish or minnows.

We propose adding verbiage that allows the take of Silver Carp and Bighead Carp regardless of size (how gizzard shad are currently treated). In addition, we propose adding verbiage that clarifies that Silver and Bighead Carp in possession must be immediately euthanized per 115-18-10 (prohibited species list).

Fishing Privileges Proposal. A new discounted youth trout permit; reduced cost resident daily fishing permit and reduced non-resident daily license proposals will be presented by David Breth.

Workshop Session Public Lands Cabins September 24, 2020

Background:

The Public Lands Division operates rental cabins at Atchison, McPherson, and Ottawa State Fishing Lakes and the Mined Lands Wildlife Area.

Each of these properties features one cabin available for rent except for Mined Lands WA which has two.

Public Lands cabin rental rates have been \$70 per night at all cabins since their inception in 2007.

Discussion:

These cabins are 10 – 13 years old and are in need of extensive repairs and upgrades. Maintenance and cleaning costs continue to increase. The current rental rate of \$70 per night is not keeping up with expenses and the public lands cabin program is operating in the red.

-Annual occupancy for these cabins is as follows:

Ottawa SFL = 23%

McPherson SFL = 26%

Atchison SFL = 34%

Mined Lands WA = 60% & 47% (2 cabins)

**Because of low annual occupancy and other management factors, an internal decision has been made that the cabins at Ottawa SFL and McPherson SFL will no longer be operated as rental cabins. They will be utilized as offices for KDWPT staff.

Recommendation:

The Department is recommending that the nightly rental rate for the cabins at Atchison SFL and Mined Lands Wildlife Area be increased from \$70 to \$105.

This recommendation is based on research conducted and comparisons made to State Park cabin rental rates (\$70 - \$140), local lodging rates, and annual costs to maintain.

VI. DEPARTMENT REPORT

C. Workshop Session

4. Big Game Permanent Regulations.

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

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

Background

This regulation contains the following items:

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

Discussion

Last year, changes to this regulation included modifying proof-of-sex regulations for antlerless deer and elk to allow hunters to voluntarily help prevent spreading chronic wasting disease by leaving the most infective parts of a carcass, the head and spine, at the site of harvest.

Recommendation

No change is proposed for this regulation.

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

Background

This regulation contains the following items:

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

Discussion

New hunting equipment continues to be created and people request changes in the regulation to allow novel equipment. Historically changes in this regulation have attempted to balance a potential benefit of allowing new equipment to benefit a few people against the added complexity caused by changing the regulation, which may confuse other hunters. Typically, the department has changed this regulation after a review for a period of years rather than annually.

Recommendation

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

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

Background

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

Discussion

Recent changes adjusted the boundaries of Deer Management Unit 19 for greater continuity of harvest management and to simplify the boundary lines for hunters.

Recommendation

A segment of the DMU 19 boundary, US-73, does not intersect with the Kansas-Missouri state line. Federal Highway US-73 intersects with Kansas highway K-92 which intersects with the Kansas-Missouri state line. We recommend changing the DMU 19 boundary to include this segment of Kansas highway K-92.

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

Background

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

Discussion

No changes in the application process of big game or wild turkey permits are currently being discussed within the department.

Recommendation

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

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

Background

This regulation contains the following items:

- Creates permit types that include:
 - White-tailed deer, either-sex (WTES) permit or white-tailed deer antlerless only (WTAO) permit for residents of Kansas. These permits are valid during all seasons with equipment authorized for that season.
 - White-tailed deer, either-sex permit for nonresidents valid for one equipment type and one unit. Nonresident hunters may designate one adjacent unit where they may hunt.
 - Either-species, either-sex permit, restricted to a season or seasons and units where they may be used by resident and nonresident deer hunters.
 - Hunt-on-your-own-land permits, including resident HOYOL, nonresident HOYOL, and special HOYOL permits for certain direct relatives of the landowner or tenant.
- Each deer permit is valid only for the species and antler category specified on the permit.
- Antlerless deer are defined as a deer without a visible antler plainly protruding from the skull.

Discussion

Starting with the 2016 season, Either-species Antlerless Only Permits (ESAO) were no longer issued in Kansas. This was done to address the changing mule deer population to reduce harvest of female mule deer. Mule deer population status in other DMUs within the East and West mule deer hunt zones currently is stability at low density or declining.

Recommendation

No change is proposed for this regulation.

VI. DEPARTMENT REPORT

C. Workshop Session

5. Deer 25-Series Regulations.

Background

The regulation contains the following items:

- Dates of deer seasons when equipment such as archery, firearms, or muzzleloader may be used.
- Provisions when seasons may occur on military subunits within management units.
- Dates for a special firearm deer season and extended archery seasons in urban units.
- Dates of deer seasons for designated persons.
- Dates and units when extended firearm seasons are authorized and the type of permits and changes in the species and antler categories of those permits.
- Limitations in obtaining multiple permits.

Discussion

Annual adjustments will be made in the deer hunting season dates. This review process initiates the discussion of potential changes in deer hunting seasons for 2021-2022. The recommendations currently follow the traditional season structure, with potential changes to some seasons:

Typically, the first extended white-tailed deer antlerless-only (WAO) season has started on the New Year's Holiday and was open through the first weekend in January, or during the first weekend if January 1 fell on a Saturday. New Year's Day falls on Saturday in 2022. Hunter input during the 2018-2019 season's deer harvest survey indicated hunters wanted more days to hunt and always want weekend days included in an antlerless season. There is also a need to increase harvest as part of chronic wasting disease management. The option currently being considered:

1. Three January WAO season lengths, 9 days, 16 days, and 23 days.

Population indices, mortality due to disease and changes in fawn recruitment will be examined and public input will be considered in the development of a list of units where an extended firearms season and WAO permits will be authorized. The number of WAO permits that may be used in each unit will also be evaluated after additional data becomes available.

Public comment is sought about this option.

Recommendation

The proposed season dates suggested for deer hunting during 2021-22 are as follows:

Youth and Disability	Sept. 4, 2021 – Sept. 12, 2021
Early Muzzleloader	Sept. 13, 2021 – Sept. 26, 2021
Archery	Sept. 13, 2021 – Dec. 31, 2021
Pre-Rut WAO	Oct. 9, 2021 – Oct. 11, 2021
Regular Firearm	Dec. 1, 2021 – Dec. 12, 2021
1 st Extended WAO	Jan. 1, 2022 – Jan. 9, 2022
2 nd Extended WAO	Jan. 1, 2022– Jan. 16, 2022
3rd Extended WAO	Jan. 1, 2022 – Jan. 23, 2022
Extended Archery (DMU 19)	Jan. 24, 2022– Jan. 31, 2022

VI. DEPARTMENT REPORT

C. Workshop

6. Regulatory Cleanup, Big Game and Wild Turkey Legal Equipment and Taking Methods

In April 2020, the Commission voted to allow draw locks for vertical bows as legal equipment for big game (K.A.R. 115-4-4). To increase consistency across species and reduce unnecessary regulations, staff are reviewing the following regulations.

Since 2014, the Department has issued the following number of draw lock permits each year (valid for both big game and wild turkey): 2014 – 8, 2015 – 2, 2016 – 5, 2017 – 4, 2018 – 1, 2019 – 1.

K.A.R. 115-4-4a. Wild turkey; legal equipment and taking methods

Background

This regulation contains:

- Specific equipment differences for hunting wild turkeys (vertical bows, crossbows, shotguns)
- Arrow and shot size requirements
- Accessory equipment such as calls, decoys and blinds
- Shooting hours

Discussion

Relatively few disabled hunters apply for draw lock permits each year. Because draw locks are now allowed for any archery hunter pursuing big game, this restriction for wild turkeys is inconsistent with the big game regulations. Allowing draw locks as legal equipment for wild turkeys is not anticipated to result in a significant increase in overall harvest or individual hunter success.

Recommendation

Staff recommend removing language restricting the use of mechanical devices that lock bows at full or partial draw and reference to K.A.R. 115-18-7, which would then be unnecessary.

K.A.R. 115-18-7. Use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities; application, permit, and general provisions

Background

This regulation outlines the process for a disabled hunter to apply for and acquire a permit to allow them to use a draw lock on a vertical bow for big game and wild turkeys.

Discussion

If language restricting the use of draw locks is removed from K.A.R. 115-4-4a, it is unnecessary to have a regulation that outlines the process for a disabled hunter to acquire a permit to allow such a draw lock to be used.

Recommendation

Strike K.A.R. 115-18-7.

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 - July 23, 2020

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

(785) 296-2281

Title

Phone

— This space for Register office use only

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 6:30 p.m., Thursday, September 24, 2020 at Capitol Plaza Hotel, Emerald Meeting Rooms, 1717 SW Topeka Blvd, Topeka, Kansas, to consider the approval and adoption of the proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on the business of the Wildlife, Parks, and Tourism Commission will begin at 1:30 p.m., September 24 at the location listed above. The meeting will recess at approximately 5:00 p.m. and 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. September 25 at the location listed above.

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

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@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 regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations. To provide all parties with an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

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

K.A.R. 115-14-12. This permanent regulation establishes permits, applications, and examinations for falconry. The proposed changes would clean up and clarify language about apprentice falconers and possession and take of raptors.

Economic Impact Summary: No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-14-13. This permanent regulation establishes facilities, equipment, care requirements and inspections for falconry. The proposed changes would reduce inspections for renewal falconry permits, unless a change of location of the primary facility occurs.

Economic Impact Summary: No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-14-14. This regulation establishes taking, banding, and possessing raptors for falconry. The proposed changes would reduce permit requirements for residents and specify peregrine falcon requirements for taking from the wild.

Economic Impact Summary: No substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of each regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at ksoutdoors.com, or by calling (785) 296-2281.

Gerald Lauber, Chairman



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
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July 14, 2020

Chris Tymeson, General Counsel
Kansas Department of Wildlife, Parks & Tourism
1020 S. Kansas Ave.
Topeka, KS 66612

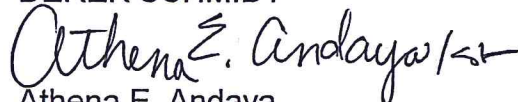
RE: **K.A.R. 115-14-12, 115-14-13, 115-14-14**

Dear Mr. Tymeson:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, we have reviewed the above-referenced regulations and finding no issues of concern, have approved them. The stamped original regulations are enclosed with this letter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT


Athena E. Andaya
Deputy Attorney General

AEA:sb

Enclosures

cc: Sen. Caryn Tyson, Chair, Joint Committee on Rules and Regulations
Rep. Ron Highland, Vice Chair, Joint Committee on Rules and Regulations
Sen. Oletha Faust-Goudeau, Ranking Minority Member, Joint Committee on
Rules and Regulations
Jill Shelley, Legislative Research, State Capitol, Room 68-W
Natalie Scott, Office of Revisor, State Capitol, Room 24-E

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

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

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

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JUN 24 2020

DIVISION OF THE BUDGET

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JUN 26 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

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

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

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

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

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

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

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

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

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JUN 24 2020

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JUN 26 2020

APPROVED
JUL 14 2020

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

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

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

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

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JUN 24 2020

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JUN 26 2020

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JUL 14 2020

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

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

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

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

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

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

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

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JUN 26 2020

DIVISION OF THE BUDGET

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JUN 26 2020

DEPT. OF ADMINISTRATION

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JUL 14 2020

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

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

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

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

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

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

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

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JUN 24 2020

JUN 26 2020

JUL 14 2020

DIVISION OF THE BUDGET

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

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

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

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

- (A) The care and handling of falconry raptors;
- (B) federal and state laws and regulations relating to falconry; and
- (C) other relevant subject matter relating to falconry, including diseases and general health.

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

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

- (A) American kestrel (*Falco sparverius*);

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JUN 24 2020

DIVISION OF THE BUDGET

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JUN 26 2020

DEPT. OF ADMINISTRATION

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- (B) red-tailed hawk (*Buteo jamaicensis*); or
- (C) red-shouldered hawk (*Buteo lineatus*).

(6) A raptor acquired by an apprentice falconer shall not have been taken from the wild as an eyas or have become imprinted on humans. Any wild-caught raptor species specified in paragraph (j)(5) may be transferred to the apprentice falconer by another properly permitted falconry permittee.

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

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

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

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

(2) Each application shall be accompanied by a letter from general falconer or a master falconer stating that the applicant has practiced falconry with wild raptors at the level of apprentice falconer, or its equivalent, for at least two years, including maintaining, training, flying, and hunting the raptor for at least four months in each year. This time may include the capture and release of falconry raptors. A school or education program in falconry shall not be substituted to shorten the required two years of experience at the level of apprentice falconer.

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JUN 24 2020

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

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

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

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

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

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

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

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

APPROVED
JUN 24 2020

APPROVED
JUN 26 2020

APPROVED
JUL 14 2020

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

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

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

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

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

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

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

- (1) The application is incomplete or contains false information.
- (2) The applicant does not meet the qualifications specified in this regulation.

APPROVED
JUN 24 2020

APPROVED
JUN 26 2020

APPROVED
JUL 14 2020

DIVISION OF THE BUDGET

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

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

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

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

This regulation shall be effective on and after December 31, ~~2012~~ 2020. (Authorized by and implementing K.S.A. 2019 Supp. 32-807; effective Dec. 31, 2012; amended P-_____.)

APPROVED

JUN 24 2020

DIVISION OF THE BUDGET DEPT. OF ADMINISTRATION

APPROVED

JUN 26 2020

APPROVED

JUL 14 2020

ATTORNEY GENERAL

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-14-12
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This regulation establishes permits, applications, and examinations for falconry. The proposed changes would clean up and clarify language about apprentice falconers and possession and take of raptors.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This is not a federal mandate. The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988 and moved from a dual management system to a state-only managed system with federal oversight in 2012. The proposed changes originated with the Kansas Hawking Club.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed amendments will not enhance or restrict business activities and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The proposed amendments will not have an implementation or compliance cost on any specific businesses, sectors, individuals or local governments.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.



D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed change is designed to clarify possession and take limits for falconers.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are no costs associated with this proposal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There are no implementation or compliance costs with this proposal.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable.



H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Not applicable.



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

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

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

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

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

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

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

APPROVED

JUN 24 2020

APPROVED

JUN 26 2020

APPROVED

JUL 14 2020

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

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

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

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

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

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

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

(11) Each outdoor area of the primary facility shall be covered and have at least a covered perch to protect a raptor held in the facility from predators and weather. Each outdoor area of the primary

APPROVED
JUN 24 2020

APPROVED
JUN 26 2020

APPROVED
JUL 14 2020

DIVISION OF THE BUDGET

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

facility shall be large enough to ensure that all the raptors held inside cannot strike the enclosure when flying from the perch.

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

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

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

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

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

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

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

APPROVED	APPROVED	APPROVED
JUN 24 2020	JUN 26 2020	JUL 14 2020

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

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

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

(4) a reliable scale or balance that is suitable for weighing the raptors and is graduated to increments of not more than 1/2 ounce (15 grams).

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

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

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

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

APPROVED
JUN 24 2020

DIVISION OF THE BUDGET

APPROVED
JUN 26 2020

DEPT. OF ADMINISTRATION

APPROVED
JUL 14 2020

ATTORNEY GENERAL

(3) The permittee shall provide the other permittee with a signed, dated statement authorizing the temporary possession. The statement shall include information specifying the time period during which the temporary care and possession are allowed and what activity is allowed. The permittee providing the temporary care may fly the raptor as authorized in the statement, including hunting, if the permittee providing the temporary care holds the appropriate level of falconry permit. The raptors being provided temporary care shall not count against the possession limit of the permittee providing the care.

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

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

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

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

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

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

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

APPROVED
JUN 24 2020

APPROVED
JUN 26 2020

APPROVED
JUL 14 2020

- (A) Tethered flying, which is also known as flying with a creance;
- (B) lures made from animal parts;
- (C) balloons;
- (D) kites; or
- (E) remote-control airplanes.

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

- (A) Rock dove or domestic pigeon;
- (B) European starling;
- (C) house sparrow;
- (D) Hungarian partridge;
- (E) Chukar partridge; and

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

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

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

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

APPROVED

JUN 24 2020

DIVISION OF THE BUDGET

APPROVED

JUN 26 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

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

or

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

This regulation shall be effective on and after December 31, ~~2012~~ 2020. (Authorized by and implementing K.S.A. 2019 Supp. 32-807; effective Dec. 31, 2012; amended P-_____.)

APPROVED

JUN 24 2020

DIVISION OF THE BUDGET

APPROVED

JUN 26 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-14-13
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This regulation establishes facilities, equipment, care requirements and inspections for falconry. The proposed changes would reduce inspections for renewal falconry permits, unless a change of location of the primary facility occurs.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This is not a federal mandate. The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988 and moved from a dual management system to a state-only managed system with federal oversight in 2012. The proposed changes originated with the Kansas Hawking Club.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed amendments will not enhance or restrict business activities and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The proposed amendments will not have an implementation or compliance cost on any specific businesses, sectors, individuals or local governments.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.



D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed change is designed to reduce inspection time for falconers and the department.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are no costs associated with this proposal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There are no implementation or compliance costs with this proposal.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable.

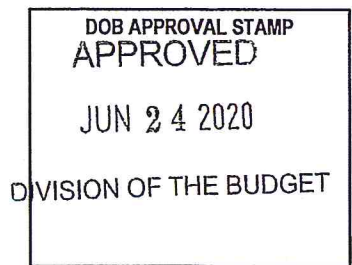


H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Not applicable.



115-14-14. Falconry; taking, banding, transporting, and possessing raptors. (a) For the purpose of this regulation, “falconer” shall be defined as each a person taking or attempting to take a raptor from the wild for falconry purposes. Each falconer shall possess a current, valid hunting license pursuant to K.S.A. 32-919, and amendments thereto, and meet the requirements for hunter education certification pursuant to K.S.A. 32-920, and amendments thereto.

(b) Each nonresident falconer shall apply for and receive a take permit from the department before attempting to take a raptor from the wild in Kansas. Each nonresident falconer shall submit a raptor acquisition report within 10 days of leaving Kansas, regardless of whether the falconer was successful in taking a raptor.

(c) Each resident falconer shall apply for and receive a take permit from the department before attempting to take a peregrine falcon from the wild in Kansas.

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

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

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

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

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

APPROVED
JUL 10 2020

APPROVED
JUL 10 2020

APPROVED
JUL 14 2020

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED

JUL 10 2020

DIVISION OF THE BUDGET

APPROVED

JUL 10 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

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

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

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

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

~~(i)~~ (j) Each raptor taken from the wild in a calendar year by a ~~permittee~~ falconer and then transferred to a second ~~permittee~~ falconer shall count as one of the raptors allowed to be taken by the first ~~permittee~~ falconer who took the raptor from the wild. The raptor transferred to the receiving ~~permittee~~ falconer shall not count against the limit of wild raptors that may be taken in the calendar year by the receiving ~~permittee~~ falconer.

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

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

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

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

APPROVED

JUL 10 2020

DIVISION OF THE BUDGET

APPROVED

JUL 10 2020

DEPT OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

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

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

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

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

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

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

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

APPROVED
JUL 10 2020

APPROVED
JUL 10 2020

APPROVED
JUL 14 2020

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

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

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

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

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

(C) The ~~permittee~~ falconer shall notify the regional law enforcement office of the United States fish and wildlife service of the capture plan before any trapping activity begins. Notification shall be submitted in person, in writing, or by facsimile or electronic mail at least three business days before the start of trapping.

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

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

APPROVED

JUL 10 2020

DIVISION OF THE BUDGET

APPROVED

JUL 10 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

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

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

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

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

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

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

(1) The bird shall be banded with a black nylon, permanent, nonreusable, numbered falconry registration leg band from the United States fish and wildlife service. The bands shall be made available through the department. Any ~~permittee~~ falconer may request an appropriate band before any effort to capture a raptor.

(2) In addition to the band specified in paragraph ~~(m)~~(1) ~~(n)~~(1), the ~~permittee~~ falconer may purchase and have implanted in the bird a 134.2 kHz microchip that is compliant with the requirements

APPROVED

JUL 10 2020

DIVISION OF THE BUDGET

APPROVED

JUL 10 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

of an international organization for standardization. All costs associated with the implantation of a microchip shall be the responsibility of the ~~permittee~~ falconer.

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

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

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

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

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

~~(A)~~ (o) Each raptor bred in captivity shall be banded with a seamless metal falconry registration band provided by the United States fish and wildlife service. In addition, any such raptor may have implanted a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization.

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

APPROVED

JUL 10 2020

DIVISION OF THE BUDGET

APPROVED

JUL 10 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

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

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

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

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

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

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

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

APPROVED
JUL 10 2020

DIVISION OF THE BUDGET

APPROVED
JUL 10 2020

DEPT. OF ADMINISTRATION

APPROVED
JUL 14 2020

ATTORNEY GENERAL

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

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

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

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

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

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

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

APPROVED

JUL 10 2020

APPROVED

JUL 10 2020

APPROVED

JUL 14 2020

(B) If the ~~permittee~~ falconer who captured the raptor wishes to possess the bird for falconry purposes, the disposition of the bird shall be at the discretion of the researcher and the secretary if the species of the bird is allowable under the classification level of the ~~permittee~~ falconer and the ~~permittee's~~ falconer's possession of the captured bird does not exceed the established possession limit.

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

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

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

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

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

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

APPROVED
JUL 10 2020

APPROVED
JUL 10 2020

APPROVED
JUL 14 2020

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

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

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

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

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

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

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

APPROVED

JUL 1 0 2020

DIVISION OF THE BUDGET

APPROVED

JUL 1 0 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

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

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

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

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

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

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

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

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

APPROVED

JUL 10 2020

DIVISION OF THE BUDGET

APPROVED

JUL 10 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

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

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

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

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

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

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

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

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

(x) In addition to any other requirements regarding the take of peregrine falcons, each falconer shall immediately notify the department when a peregrine falcon is taken, as specified on the take permit. If the quota for the take of peregrine falcons has been met and the take season is closed, the falconer shall immediately release the peregrine falcon upon notification by the department.

APPROVED

JUL 10 2020

DIVISION OF THE BUDGET

APPROVED

JUL 10 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

This regulation shall be effective on and after December 31, 2020. (Authorized by and implementing K.S.A. 2019 Supp. 32-807, ~~as amended by L. 2012, ch. 47, sec. 25~~; effective Dec. 31, 2012; amended Feb. 8, 2013; amended P-_____.)

APPROVED

JUL 10 2020

DIVISION OF THE BUDGET

APPROVED

JUL 10 2020

DEPT. OF ADMINISTRATION

APPROVED

JUL 14 2020

ATTORNEY GENERAL

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-14-14
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This regulation establishes taking, banding, and possessing raptors for falconry. The proposed changes would reduce permit requirements for residents and specify peregrine falcon requirements for taking from the wild.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This is not a federal mandate. The practice of falconry and the management of raptors as migratory species is governed by the U.S. Fish and Wildlife Service. Any state falconry program must be approved by the USFWS and must operate within federal limits. Kansas has had a federally-approved program since 1988 and moved from a dual management system to a state-only managed system with federal oversight in 2012. The proposed changes originated with the Kansas Hawking Club.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

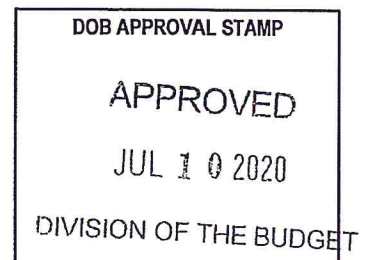
The proposed amendments will not enhance or restrict business activities and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The proposed amendments will not have an implementation or compliance cost on any specific businesses, sectors, individuals or local governments.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.



D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed change is designed to reduce permit and reporting requirements for resident falconers and clarify peregrine falcon take.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are no costs associated with this proposal.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs with this proposal.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There are no implementation or compliance costs with this proposal.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable.



H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Not applicable.

