

**Kansas Department of Wildlife, Parks & Tourism**  
**Commission Meeting Minutes**  
**Thursday, January 14, 2021**  
**Virtual Zoom Meeting**

**Approved** Subject to  
**3/25/21** Commission  
Approval

The January 14, 2021 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, Aaron Rider, Lauren Queal Sill and Troy Sporer were present.

**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 – No changes. (Agenda – Exhibit B). Chairman Lauber – Please note that this meeting has only general discussion and workshop session, there are no public hearing items.

**IV. APPROVAL OF THE November 19, 2020 MEETING MINUTES**

Commissioner Lauren Queal Sill moved to approve the minutes, Commissioner Warren Gfeller second. *Approved* (Minutes – Exhibit C).

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

Chairman Lauber – Please identify yourself when you talk so record can reflect that.

Nicholas Boehm, Kansas City – I would like to express my gratitude for wildlife area managers and staff for all the hard work they do for ducks and duck hunters. It does not go unnoticed. Without public lands a lot of us wouldn't have the opportunities we have to spend time outside. Appreciate these zoom meetings, easier for folks working to attend. This year, myself and friends who hunt public lands for waterfowl across the state have noticed a great increase in hunting pressure on public areas and a lot of it coming from out-of-state hunters, based on license plates and conversations at boat ramps. I feel the volume of hunters, especially nonresidents during the week has reduced hunting quality substantially. I have hunted a lot of these areas for years during this same time period, traveling around the state. It is frustrating to see what feels like two or three times the number of people in marshes. Core problem is lack of access. I want to state my support for increasing cost of state waterfowl stamp for residents to at least \$20 and implementing some type of nonresident stamp or permit that is at least \$50 and making sure those funds go towards permanent waterfowl habitat acquisition. I travel out of state to duck hunt and no matter what if I have a place to hunt I am going and I don't think an increase

in fees would deter folks traveling here from places like South Carolina or Louisiana, etc. Love to see that happen and see that money go back in waterfowl habitat acquisition for everybody to enjoy. I don't feel we need to restrict nonresident hunters. I like to travel out of state and appreciate the opportunity. This is everyone's resource. I do feel we need to help manage pressure on public wildlife areas. The guides that operate throughout Kansas watch birds on public refuges, follow them out to the fields where they are feeding and then try to get permission or pay for those fields, nothing necessarily wrong with that, all for running a business. I would like to go on a sea duck or snow goose hunt myself and will hire a guide when I do that. I am not angry with guides but feel the impact on the resource that a guide has is not equitable to the take. Hobby hunters go a couple times a week and take two to three buddies or family members is different than someone running 12 hunters every day from October through March. I would like to see those guides be licensed in a way that is revenue positive for the state so we can increase access for the common man. I want to express support for current seasons and zones the way they are. Love being able to hunt early ducks all the way from October to January but would love to see part of Kansas River moved into the Southeast zone, or boundaries adjusted because we do see ducks stack up now in January when it is cold. Chairman Lauber – Mike Miller and Stuart Schrag can address some of these concerns because this is one of many emails on this.

Karin Pagel-Meiners, Lawrence – I am a farm kid and grew up in the country. I know how to handle a rifle but I don't hunt. Calling in to express opposition to new rule of night killing of coyotes using thermal imaging gear. I urge you to reconsider this decision. I am still in the process of reading up and studying this issue and I will send a follow-up email. See no benefits whatsoever. There are so many safety issues that this seems truly unnecessary and ill-advised.

Brian Bailey, Leavenworth – I have a safety concern with resolutions to that. On December 2 when deer season opened I was hunting at Perry Lake on the marsh duck hunting. We followed a group of guys in and told them where we were hunting. They were deer hunting. We stuck an orange hat up on some tall weeds and tree in location where we were on the marsh and had also told the deer hunters where we were on the marsh. We were shooting ducks and enjoying ourselves and the next thing we had a bullet zinging by our heads, then another one that hit the ground behind us. We were sitting ducks, out on open water and nothing to hide behind. These gentlemen were pushing deer and when you push deer they run out and you shoot the deer on the run. When you are deer hunting in a stand or sitting on the ground you have time to sit and observe your shooting lanes and see what is out in front of you. One of the first things you learn in hunter safety is don't pull the trigger unless you know exactly where that bullet is going and with pushing deer you don't know that. We contacted law enforcement for that area and Mr. Page came and checked the situation out and his staff was helpful on getting our gear back out of there. I have some resolutions. That incident scared us. On public ground you don't know what other hunters are in there with you. With shotguns, pellets go about 100 yards and by that time have slowed down on velocity, with rifle bullet can go a mile or better. I would like to ask for your consideration on limiting or no pushing deer on public ground when other seasons are going on. I could see allowing deer hunters to be on public ground while other seasons are going on because they can sit in a stand and see their lanes. When pushing deer your environment is always changing and unfortunately a lot of people come out from bigger cities and don't know their surroundings as well. When a farmer is pushing his own private ground, they know where

objects are and land around them. That's one thing to consider. The other is to close other seasons while deer season is open. I would hate for that to happen because I am an avid upland hunter as well as duck hunter but for safety concerns that is an option to consider. Another option is to maybe not overlap seasons, spread them out a little bit, hard to do when deer in rut and have ducks migrating down. Another idea, designate only duck hunting areas, the marshes around Lake Perry are for a lot of different hunting activities but mainly a lot of duck hunting done there but also a lot of deer hunting. Consider options going forward. Chairman Lauber – You have a point, not sure how to resolve that but we will give it some thought.

Margaret Kramar – (Exhibit D) I want to be totally transparent with you and not play any games. I am not a big advocate of hunting, but I am willing to look the other way from, for example, bow hunting, because it requires dedication and skill and the animal is on more of an equal footing. What I am riled up about is excessive, gratuitous violence, exemplified by this thermal-imaging equipment regulation and also coyote, or any kind of wildlife, hunting tournaments, which I just found out are happening in this state. You are worried about the Kansas Livestock Association. If a rancher has a problem with a lone, rogue animal that is causing significant predation problems, nobody is going to argue about his right to dispatch that animal. But to go out and kill hundreds of innocent coyotes that had nothing to do with it is ridiculous. The Kansas Livestock Association needs to man up and think about the trouble they are causing this agency and the bad reputation they are creating for this state. As a regulatory agency, you have the power to put a stop to both of these practices immediately. I do recommend that the agency do a survey because it would provide you with useful information as to how the public perceives your services because apparently one hasn't been done for ten years, but as for how the public would respond to hunting with thermal-imaging equipment and wildlife hunting tournaments, I am confident that they would be appalled. Thanks for letting me make these comments.

Assistant Secretary Mike Miller – This comment is based on what we have been listening to. When commissioners receive emails on particular topics or issues we want to streamline and be able to respond and take care of issues as efficiently as possible. When they do write commissioners, I think their intention is that the commissioners hear and discuss these items at a public commission meeting. Not sure all of them are looking for individual response. The commissioners received several emails about crowding at waterfowl areas. Received emails from Mrs. Kramar about night hunting for coyotes and recently some emails about nonresident deer and leasing. Each time we receive one of those we need to come up with a plan on how we are going to address these and hopefully can have, for example, public lands give a full report at next commission meeting about hunting pressure, what they are seeing at check-in numbers and how that compares to last year and year before. Stuart and Ryan have been looking at this and have speculative ideas of why we are seeing this. One of the ideas is they closed the borders to Canada so a lot of waterfowl hunters who travel north to hunt weren't able to do that. Guides and outfitters that operated up north may have been operating in Kansas and other Midwestern states. We had very good conditions at waterfowl areas this year, had early migration and held ducks for a long time and word of mouth gets around. Hunting pressure is a relative thing, people from eastern states my drive up and see seven or eight boat trailers in a parking lot and think nothing of it where our residents think that is extremely heavy hunting pressure. Whether this is a one year thing or something that may continue to grow, yet to see. I will talk to public lands staff and

have somebody provide information at the next commission meeting about what they saw, what they saw in numbers, where hunters were from and what kind of hunting pressure we did see this year. I propose we do this on most of these issues that commissioners receive emails on. They can send a response back that they received the email, forwarded onto to appropriate staff with the department and that we will talk about it at a future commission meeting. Ultimately we can spend a lot of time on a personal response to that person but what they really want is to have a public discussion forum about this issue and hear from our staff and commissioners about what solutions might be to these issues. I ask the commission what they think about that and defer to Nadia, as she and I have been working with her public affairs staff on how we deal with this. I don't want to duplicate efforts, don't want it to be inefficient and also I don't want to not provide the proper response to constituents. Chairman Lauber – I think that is a good point. All the commissioners will probably acknowledge that we have received a lot more calls since the last couple of meetings, I think the public is getting more active with electronic format, getting more email, more people calling in through Zoom meeting. Frequently we all get the same email, but not always get the same email; people were forwarding the emails on so we could all see. You never know, some want a response and you hate to give a response and then another commissioner gives a response that is not the same. We need to figure out how to deal with that and in such a way it doesn't violate Kansas open meeting laws. If I send an email to Aaron who sends to Lauren, who sends it to Warren that in theory becomes a technical violation of Kansas open meetings law and we have to be careful how we do that. It would be nice to have a formatted response to send to acknowledge we have it. No question that public is fired up over nonresident deer hunters and nonresident duck hunters. I think it is probably more than an isolated issue, not sure how to fix it but a real problem and why we are getting so many emails, phone calls and comments because it is a legitimate issue.

Secretary Brad Loveless – I agree with what you are saying. One of the things we worry about is that these comments fall through the cracks. As you said it may come to all commissioners or just one or an individual within the agency. If we have a single point of contact, when any of us get those we send it to that person, then we can get our science together, share with commissioners and collectively come up with a thoughtful response to share with the public. That doesn't substitute for the discussion we have in commission meetings, which is what we are trying to accomplish but we don't lose track of anyone. This would be a much clearer way to communicate with more certainty. Chairman Lauber – Possible suggestion, when we get emails we forward them to a central source in Pratt or Topeka, who then sends a response to the sender but also lets all of the commissioners know what email came in and how you responded in case we didn't all get the same email. I appreciate Lauren and Emerick forwarding them along, most of which I saw because they had come to me, but that is the only way we can be assured is if the commission has unity of knowledge of what constituents are wanting. Commissioner Sill – This may not be feasible, but on website with list of commissioners we are all listed individually and you can't cc you have to copy and paste each one. If there was a line that says email all commissioners and we knew that. I don't know if that is breaking meeting laws. If I know everybody got it I won't need to forward it. I still want people to have that option to write each one of us individually because some have been of a slightly more personal nature, whether a contact or their concerns so I want to retain that piece. An email all might be one option. Secretary Loveless – We have discussed that, great idea. More detail if you want comment to go to the agency as well or things like that. We want to provide better service to the public and more

clarity. Everyone wants more transparency. I would ask Counsel Chris Tymeson about requests that might challenge open meetings requirement. Counsel Chris Tymeson – No, I don't think anything we have discussed gives me any pause as to open meetings. The concern for open meetings is discussion amongst the commissioners themselves. So, they couldn't take an email and respond to all, that is the danger of respond to all function, that would violate open meetings act that deals with issues that are going to come before the commission on public hearing ultimately. Simply emailing to commissioners would be fine as long as they did not have the ability to respond to all. Commissioner Cross – Covered by Commission Sill and Secretary Loveless as far as getting that information out to all commissioners. That is the reason I was forwarding mine to Chairman Lauber, Secretary Loveless and Assistant Secretary Miller to make sure everybody was aware of what we are receiving and issues going on out there. Staff has a good plan to send out protocol and we will proceed from there. Chairman Lauber – Staff has a good idea on how to handle the emails. Not sure staff has an idea of how to handle the complaints about guides, deer hunters and duck hunters, not sure there is a good answer. That may need to be dealt with differently. Commission Gfeller – Specific to comments we got this time relative to hunting pressure, duck hunting pressure and nonresidents, Mike Miller's suggestion that we get statistical feedback and data at next meeting is very important in terms of understanding, from the numbers, what we are looking at. As far as all the other suggestions I agree with all them. The one that is probably the most meaningful to me is some kind of generic response to emails with commitment they get discussed at a commission meeting. I am not comfortable responding to these things without having conversations at a commission meeting. Chairman Lauber – A good point. While on the subject, one email said we have 50,000 nonresident permits, while they do have combination permits I think that is a misleading number. Assistant Secretary Miller – I will say that Commissioner Sill has done a fine job of responding and putting a lot of time and effort into those without trying to solve the problem within a single email. She confirmed she received it, understands their concerns, and let them know she passed it along. The one about deer, my interpretation of that email was that the sender had looked at the harvest report of 2018/2019 season and separated by permits, not by deer hunters so it shows the number of nonresident permits as double, each of those nonresidents receive a combo permit, an either sex and an antlerless permit when they draw. Instead of total number being 21,186 it was more like 50,000 if you throw in over-the-counter and nonresident Hunt-Own-Land permits; a misinterpretation of numbers and that is why I propose when we have these emails we respond, have a discussion and have Levi or somebody from the agency provide the data and then we can deal with those issues with correct data and commissioners are all on the same page.

Rod Brown – My concern is, I pointed out to a fish and game officer what I considered was an illegal bait sight on public hunting area for deer. They investigated it and told me there was nothing they could do because the mineral/salt lick did not have an actual block of salt in it. All avid deer hunters know what a mineral lick looks like, it had been there for several years and was several inches deep, three or four foot in diameter and had been there forever on public land, but because not an actual block of salt in there he couldn't do anything. We need to take the handcuffs off the fish and game officers and figure out if common sense tells you that is a salt lick there are other ways to prove it, whether soil analysis or whatever. His hands were tied and not able to issue a summons for someone who is violating the law. Could you look into changing the regulation, anymore a mineral lick can be powdered dust and you mix it in with the soil and you will never find it.

Matt Mikulecky – Echo concerns Nicholas brought up with regards to overcrowding on public lands. To large degree rapid proliferation of guides and outfitters across the state. I think the two issues are interrelated and interconnected. As more guides and outfitters operate across the state, especially run and gun variety who don't have skin in the game and move from place to place offering money to landowners and cutting off legs from under locals who have permission to hunt those lands. As that happens people are forced to go to public lands. The influx of nonresident hunters coming to Kansas because we have done such a good job of advertising waterfowl wealth. You put the two together and you have a recipe for disaster. This has been the worst year as far as hunting pressure on public lands, running into guides and outfitters and running and gunning all over the state. Something needs to be done and don't think Kansas residents should bear the brunt of whatever solution the state reaches on these issues. I understand it is complicated and complex and revenue is a component of that, you can't make everybody happy. Something has to be done, I don't think it is fair a resident hunter that lives 10 miles from a wildlife area can't hunt it because you can't find a place to go, it is lined up with nonresident hunters, that isn't right. I have utmost respect for waterfowl area managers, they do a wonderful job and they have to deal with all sorts of variables. They can't control those variables but one they can control is pressure. I do believe we need to limit nonresident licenses, do it in South Dakota and restrictions in North Dakota as well. A nonresident can buy a license that is good for a year, the price is inexpensive and I don't blame nonresidents for coming here. I travel out of state myself and fully respect each individual state's discretion in managing their resources and the allotment of licenses they sell to better serve natural resources and state residents. I do think there are some solutions that are low hanging fruit, sure more to it than what I can see but there are some things that can be done. Appreciate Commission Sill answering my emails and hope my concerns are heard. I know there are others like me, I don't envy your position, but I hope you will take a hard look on how to resolve this without impacting the residents. To Mr. Miller's comment about how hunting pressure is relative, that is true, people from Arkansas may think Kansas is wide open, but we don't live in Arkansas, we live in Kansas. From the movie, *Those Callaway's*, about a small town in New England that is a stopover for Canada geese, the community rallies around those geese, they love them coming in, it is part of their heritage. Businessman comes in who says there is an opportunity to give the town a face lift, that they can bring in hunters and make a lot of money. The town elders say they like their town and don't want a facelift. That is the way I feel, I live here for the quality of life Kansas offers, if that is taken away or allowed to erode that is not a good thing. I feel like there are things that can be done to insure that doesn't happen. I appreciate your time and allowing me to comment.

Commissioner Sporer – Interesting year with public land waterfowl hunting, never seen anything like it out west with all the out-of-state hunters. They overpressure the resources and the out-of-state guys don't have much to do other than hunt so they hunt daylight to dark and if they are not hunting they are running the lake looking for a new place to hunt. It turned a resource into nonexistence to hunt ducks. I don't know how good they were doing but they were here. I don't think Kansas can take it another year, I certainly can't. As a local I am not going to deal with all the problems on public lands. I don't think it is going away. I talked to area managers in Missouri and southeast Kansas and they say this has been going on many years in that part of the state, the influx of people from the south. They have all been coming here but making it out west

now. Blame it on Covid and say it won't be this way next year, but don't know that is the case. We have to look at something because a good thing has turned into a bad thing. We always wished we had a lot of people and want a lot of people to come but when they tax the resource like they did this year it is a problem for locals to even find a place to hunt. The outfitters, seeing the same thing, they are coming from all over, coming into Ness and Trego counties scouting for a duck shoot. They are competing with the locals. It gets to be a problem when they start throwing out the money and we have hunted that same ground our whole lives by just asking the farmer but now they are asking how much money you have. Things have changed in the waterfowl industry, particularly in western half of Kansas. We are going to have to figure out something. We don't want to penalize locals or young man who has lifetime hunting license that lives in Kansas City and comes back and hunts on his dad's farm. Missouri is looking at a public land permit. We all got the emails I have received more about that than other things. I don't think it is going to go away. I am curious what total numbers are. Is there any paid staff that knows how many duck stamps we sold this year compared to year's past? This isn't going away and we have to be careful how we deal with it. Chairman Lauber – Had this discussion about guiding on public lands, is it unlimited or do we have limitations? Counsel Tymeson – There is a long history on guiding in Kansas, back to when I started with the department, prior to that guides and outfitters had to have a guide permit. In 2000 time frame, permits ramped up and the department increased its regulatory scrutiny on that activity. The legislature came in and took ability of department to regulate guiding industry slowly away. The department does have the ability to require a permit on public lands. We did so and had 29, we ran it for three years and it was a free permit with the idea of having people get it so we could get a feel for who was applying. That is where it is at. Chairman Lauber – We can't outlaw guiding on a federal refuge because we don't manage that. But, would we be able to do that on state land? Counsel Tymeson – I don't think legally you can have a complete prohibition on guiding that will take a lot more complexity. When it comes to waters controlled by the federal government we do not have the ability to prohibit such activity. Chairman Lauber – That would include national wildlife refuges and all of that. Counsel Tymeson - National wildlife refuges have exclusive administrative jurisdiction over those lands. These questions are going to get really complex. If you have questions you would like me to research I'd be happy to do that, but in a nutshell we don't have the ability to regulate guides and outfitters as an industry. We just have the ability to control public lands under lease by the department or that we own, in legal parlance, department lands and waters. Chairman Lauber – I remember when we had guides taken away from us because we tried to have meaningful restrictions and supervision. That wasn't acceptable. Troy has a good point and I think it is going to get worse. I looked at the amount of duck hunters over the last few years and it shows declining numbers but guessing it will be higher this year. I'm not sure statistics are going to give us an answer. I think it is a real issue and would hate to see too many guides and outfitters foul it up for everybody. Assistant Secretary Miller – To clarify, commercial guiding is not allowed on land we manage? Counsel Tymeson – That is complex, it is not a ban on guiding, you cannot conduct commercial activity, a business, on department land unless you have a permit issued by the department. Like a concession for a marina, they have an agreement with us and can conduct commercial activity. But somebody couldn't just take a food truck out to a state park and start doing business. Those are general regulations. Corps also has those general regulations related to conducting commercial activities on public property. Chairman Lauber – Are guides on Cheyenne Bottoms, are they on there legally or just hard to spot? Counsel Tymeson – Difficult issue, what is commercial guide and activity. If I have a guide service and I

decide I am going to take the secretary duck hunting day and we are just friends and going out to hunt, but sign on the side of my truck, it takes more than seeing something that appears to be a guide to prove it is actually a guided trip and a business operation. That is a difficult case to make. Chairman Lauber – Potter Stewart quote on pornography, “I can’t define it but I know it when I see it,” you can see a guide but don’t know if he is a guide or not. Assistant Secretary Miller – Listened in on Midwestern Association of Fish and Wildlife Agencies sessions, not just a Kansas issue, other western states where the Governor allowed outdoor recreation is allowable under the lockdown saw heavy use of wildlife areas and lakes. Some of them talked about a lot of stress on staff, confrontation between users, not unique to Kansas. We have seen some dramatic changes and the number of people using our areas during the pandemic. When we saw high school sports and traveling teams cease activities, people went outside. I am not going to tell you this is going to go away and I have no idea of what is going to happen in the future. This is an unusual year and not seen anything like this in our lifetime.

Dustin Washburn – Piggyback on Commissioner Sporer’s comments on what he has dealt with this year. He is spot on, spend time outdoors and see more than the vast majority that hunt a couple days a week. We see two to three out-of-state vehicles in the past, not just necessarily on public lands, but this year trailers from Minnesota and Texas and guys trying to chase geese and ducks from all over the place. It is a resource for all and not my place to tell them whether or not they can do it. I can reiterate there has been more of them this year, ramped up a little in past couple years, but almost out of hand this year. Getting permission from guys you have been able to hunt on 10/15/20 years are all of a sudden asking for money to get in there and shoot. We all enjoy doing it but there comes a point where I am not going to spend \$500 for me and my son to shoot three or five geese, that is not feasible. Is there any update on the 21-inch walleye initiative on Cedar Bluff, statewide generally? Assistant Secretary Miller – Defer to Doug Nygren. Doug Nygren – Continuing to monitor 21-inch length limit and pleased to see improvement in body condition at Cedar Bluff from all samples. Our biologist is recommending we stay the course on the 21-inch length limit going into next year. We will continue to evaluate the impacts there. We had a couple years of poor gizzard shad production but this year we saw a nice return to normal on shad. The other locations have been in place for some time, Milford, Cheney and El Dorado continue to do well and the goal there is to control white perch and other locations we are trying to protect walleye to larger sizes in order to have adequate numbers of females for brood stock and egg production for the hatcheries. We are on track. Walleye Initiative alive and well, expanding our ability to be able to produce more walleye in the hatchery system. Milford Hatchery is gearing up to raise more intermediate size walleye. We have a new construction project at Meade that will produce 500,000 walleye fingerlings per year and another 30,000 nine-inch walleye in lakes we need to stock larger size fish. We are continuing to evaluate our walleye initiative and increase production. We are anticipating some good walleye fishing coming into next season. Washburn – You talk about saving the bigger females. Why are we keeping five on Cedar Bluff if that is the goal? Nygren – Goal at Cedar Bluff is not for brood stock or egg production, that was geared at improving opportunity to catch larger walleye. Just trying to enhance size and take advantage of the potential of that lake to produce more pounds of walleye. Often times when we put the 21-inch length limit it results in not only more eggs but a higher number of walleye harvested at a larger size. As long as we can keep the annual fishing mortality low our yield can go up, have more pounds of walleye caught just not as many numbers by protecting them for a little bit longer.



Nadia Reimer, chief public affairs – We had one constituent who has shared a written statement on deer. It is in three parts. Shane Horsch wants to know, “if someone can educate him on who controls deer regulations, i.e., how did we end up with residents that can hunt any season statewide and nonresidents can hunt in two units, over-the-counter tags, etc. I started hunting deer in 1980s when biologists seems to use sound science to manage the deer herd. Now it is all about the revenue it seems. I would love to learn who is hamstringing the biologists at KDWPT from managing the deer herd using sound science instead of by dollar signs. I firmly believe the lack of any deer management has led to a lot of problems we are seeing today. Deer were seen by the department or the legislature as low hanging fruit. If we have more access we could move over to a model similar to South Dakota or other western states with more open access”. He added a clarifying statement. “He meant, more hunting opportunities will equal more hunting license sales, more tourism, etc. Right now, the free-for-all on deer has had opposite effect. It is leading to limiting hunting access more and more”. Chairman Lauber – Anything else? Reimer - I would be happy to have public affairs lead the way in terms of improving our constituent communications, public affairs could outline some of the things we discussed today and with feedback could craft a recommendation for how we could improve that system. If you are good with it we will lead the charge and get something down on paper for you to review.

## **VI. DEPARTMENT REPORT**

### **A. Secretary’s Remarks**

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – Governor’s budget was published this week basically granting our request for the next budget cycle. EDIF apportionment will remain the same, \$5.1 million. Wildlife, Parks and Tourism will hold our budget static from fiscal year 2021 to 2022. We are, as mentioned before, trying to add more details to budgeting process for more transparency and clarity. Park Fee Fund (PFF) revenue for 2020 finishing up 36 percent up from 2019, remember 2019 was our flood year so down that year. The revenue from May and June were at historic levels, we had first two \$2 million dollar months. December revenues were up from last year and we settled in at \$1.4 million, half of that last year. That takes into account reservations going forward. Currently up 52 percent from last year and current cash balance in PFF is just over \$6 million. Talked with Governor the other day, not that long ago we were full with water everywhere, flooding in 2019 produced \$10 million in maintenance we were required to do. We didn’t have the money or the ability to correct all of those things all at once so as we have been getting money, some from State General Fund, we are applying those to roads, boat ramps and docks, structures lost in 2019 flood. We have good places to put the revenue we have. With extra visitation costs were up this year, it takes people and resources. Pleased with the way it finished up. Linda and her folks did terrific work in getting us through that year in great shape, a lot of satisfied customers and hopefully we will get them back again in 2021. Cabin revenue finished up over 10 percent from previous year. Some cabins had carpet that was hard to clean and out of safety concerns for the public, not enough time to turn over safely to new visitors, so we didn’t allow visitors in those, which affected cabin revenue. Wildlife Fee Fund (WFF) was up over 10 percent. Balance at the end of December was \$14.7 million. Federal funds are expected to stay consistent. The matching funds we get from Pittman Robertson (PR) and Dingell Johnson (DJ)

are based on sports men's and women's expenditures on hunting and fishing gear, lot of gear sold in 2020. There was a question for a while about how that would translate into revenue for us but the picture looks good. We still have to generate matching money on our side to leverage that federal funds, protecting and expanding our WFF is really important, so we can best leverage federal money for projects across the state. More public lands, in favor of that and constantly working to procure more public land. There is a tension there as you are all aware but looking for opportunities. Work with partners, Pheasants Forever and Ducks Unlimited for those properties around the state. It is a challenge we have to get properties of decent size approved by the legislature and that has been complex with legislative changes. Nevertheless, we continue to move in that direction, we have a good case for needing more public land, not far from the bottom in the U.S. as far as percent of public lands we have. As our constituents reach out love to have constructive conversations with our legislators on how we navigate that in the future.

I have a presentation to make. I have a plaque from the Midwest Association of Fish and Wildlife Agencies (MAFWA), this is a group of our central United States agencies and Sheila and her husband Dan Kemmis have been supporting them administratively for 20 years. On the plaque they asked us to pass on says, "For your many years of faithful, dedicated secretarial service excellence." The reason I think they put many years is they are hoping their service doesn't end any time soon. They have appreciated Sheila's work. She has been terrific and supports them with nothing other than a plaque as a thank you. Sheila and Dan are near and dear to the hearts of everyone in MAFWA because of the friendship and great service they provide.

2. 2021 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission – Kicked off on Monday, Governor gave state-of-the-state on Tuesday and budget released yesterday. Beginning of two-year session. Last year the session was cut short because of COVID it ended abruptly in March. The legislature has funded electronic technology in order to facilitate those meetings but hamstrung by the way the constitution reads and a ruling from the Attorney General's office as to how they can vote on bills and final action. This session is going to be very complex. There are a lot of details being ironed out as well as technological challenges in relation to how things operate. In the Capitol there is concern because of the pandemic and think it is going to be challenging for the agency and all of state government for constituents that would like to see bills passed, they have lobbyists and getting all of that to funnel through those technological and physiological challenges of the pandemic. Two bills introduced so far, HB 2025, introduced by Representative Ken Corbet, protecting private property from unauthorized access by certain government officials and unauthorized surveillance. I have not had a chance to fully analyze the impacts of the bill but essentially in order to conduct some sort of electronic surveillance or physical surveillance of property would require a warrant. It is directed towards Kansas Department of Wildlife, Parks and Tourism and noxious weed officials in those counties. There is a case from Tennessee last year, a district court case that deals with this issue directly. I don't know what the genesis of the bill is, it was pre-filed and we haven't had any discussions on it. HB 2032, in relation to coyotes, night vision equipment and spotlighting. It would remove the ability of the department for the Commission to allow that activity. We do have our own legislative package, some of the things the Secretary discussed like public lands, talking about adding to Kingman Wildlife Area. There are a lot of other things because of complexity of pandemic and technology challenges on the legislative package that our legislative package is changing. We had a more expansive package of seven or so items and we still may be able to

accomplish that but not sure at this time. Chairman Lauber – Is there a particular incident or issue that caused Representative Corbet to prefile this bill? Counsel Tymeson – I don't know that answer to that. He didn't contact us in relation to this bill. Commissioner Sill – Who is the sponsor on HB 2032? Tymeson – Also prefilled bill and it was Representative Carmichael. Commissioner Sill – Are those both going to the Ag committee first? Tymeson – They have both been assigned to the Ag committee, that is correct. Chairman Lauber – Is standing on the road with binoculars looking at property warrant as surveillance? Tymeson – Not had a chance to fully analyze that. I don't want to get into scenarios.

## **B. General Discussion**

1. Commissioner Permit Update – Mike Miller, assistant secretary, presented this update to the Commission (Exhibit E). I will act as your proxy and do the drawing. I will do it on camera so you can see I don't see the numbers. Allowed by KSA 32-970 and allows the commission to issue seven big game permits; they can do one elk, one antelope or a total of seven deer. We started this in 2006. It has been popular and has grown with not only the number of applications but the money raised each year. Last year we had 209 applications and they raised \$146,080 dollars. Since it started we've raised more than \$700,000 for conservation programs and projects. It is open to nonprofit conservation organizations and local chapters operating in Kansas that actively promote wildlife conservation and the hunting and fishing heritage. A chapter or organization can only receive a permit once in a three-year period. Once they are drawn, the price of the permit is subtracted, \$457.50 out of whatever they sell that permit for. They have figured out how to market these through online bidding or however they do it. Once they sell the permit, 15 percent of cost is kept by that chapter or organization to spend at their discretion and 85 percent of the proceeds are sent to KDWP, along with a proposal for a conservation project. Once that is approved, that money is returned to them to conduct that project. Often times the group will donate to things like Bring Back the Bottoms if a DU chapter won it or the pheasant initiative for Pheasants Forever. It is a mutually agreed upon conservation project. Sheila, how many applications did we have this year? Sheila Kemmis – We had 229 applications, 208 eligible, 11 had won in the last three years, seven were duplicate applications that came from two different people for the same chapter and three chapters were no longer active, so we pulled those. Miller – Last year 209; in 2019, 176; 2018, 154; so, you can see interest has grown. This is a viable way to raise private money for public conservation programs.

Drawing Winners (*Mike Miller did all of the drawings for the commissioners*) (Exhibit F):

Commissioner Troy Sporer – (1) – #88, Ducks Unlimited, Cedar Bluff (deer)

Commissioner Lauren Queal Sill – (2) – #126 Pheasants Forever, Saline County (deer)

Commissioner Aaron Rider – (3) – #83, Ducks Unlimited, Russell (deer)

Chairman Gerald Lauber – (4) – #87, Ducks Unlimited Beaver Valley/Atwood (deer)

Commissioner Warren Gfeller – (5) – #211, Kansas Wildscape Foundation (deer) Kemmis – The reason we had 211 instead of 208 being the highest number is because of those three inactive chapters were pulled after they had been numbered.

Commissioner Emerick Cross – (6) – #164, Quail Forever, Heartland Pioneer (deer)

Commissioner Gary Hayzlett – (7) – #26, Ducks Unlimited, Chisholm Trail/Park City (deer)

Miller – It seems like a lot of Ducks Unlimited or Pheasants Forever chapters draw these, that is

because there are so many of those chapters in the state and almost all of those chapters do apply.

2. Youth Seasons Alignment – Jake George, wildlife division director, presented this update to the Commission (Exhibit G, PowerPoint Exhibit H). Presenting overview of youth seasons and respective ages at which individuals are eligible to participate. The end goal of these discussions is to simplify and standardize these to one age, which seems simple, however when delving into the specifics of regulations and statutes we have several separate but parallel items to consider. I will provide a summary of current regulations, go over options for changes and processes associated with each option. Hope to facilitate a discussion and chart a path forward with this. I will not make any recommendations at this time, more for general discussion. With the decisions we make we will actually handle in regulations per individual species coordinators with the different 25-series regulations. Looking at potential changes for age ability for participation and youth-only seasons for quail, pheasant, deer, turkey, and waterfowl. We are not discussing licenses or youth permits at the moment. However, they should all be considered in relation to youth season age discussion and depending on decision there it may require some regulatory changes in the future and potentially some changes through legislative action with statutes. The current regulations for age of eligibility to participate in youth seasons are, under the age of 17 for quail, pheasant, deer, and turkey and under the age of 16 for waterfowl. The reason waterfowl is different is at one point in time it was aligned with the federal duck stamp and mandated to be less than 16 for waterfowl youth seasons and that changed several years ago. It is pretty straightforward to align or expand opportunities but when you look at it in a broader perspective of ages for various youth licenses, permit and stamp requirements the water becomes a little murkier and we begin to add on caveats for what is required for youth in the field like when they are allowed to hunt, who is required to be with them and what types of permits they are required to have in their possession. A table was included in the briefing book to show youth eligibility and licensing for requirements in Kansas and several surrounding states. The good news was that Kansas is not the most confusing but not the least confusing either when it comes to youth participation and requirements. Limiting factor is age of when federal duck stamp is required, as a state we can either align or have as an exception to the rule you define for participation in seasons, hunting license requirements, or youth eligibility. It is going to stay that way as far as we know, we can't change that. Next limiting factors is youth turkey, deer, waterfowl stamps and hunting licenses that are all mandated in statute and would require legislative action. Our state waterfowl permit is included because it is tied, not specifically in statute, but tied to age a hunting license is required in statute. Through regulatory process, the youth upland seasons, pheasant and quail, deer, turkey, and waterfowl can be modified by the Commission. The age of eligibility for participation in youth waterfowl season can also be modified by noting in in the season selection letter we submit to the U.S. Fish and Wildlife Service and would not require a vote from the Commission. Kansas compares to surrounding states, broader picture of eligibility and licensing requirements for youth; youth seasons for quail, pheasant, deer and turkey are the exceptions at under 17, everything else is currently under 16 as well as youth-only and youth mentor fishing access locations are also defined in regulation as under 16. There are four states out of 10 reviewed that are consistent at under 16 across the board, very straightforward and easy to understand, but it would require the removal of a year of opportunity from our current youth seasons to accomplish that in Kansas. Both Colorado and New Mexico have standardized under age 18 excepting required permits and stamps for waterfowl, which again gets into that limiting factor of federal duck stamp requirement. Texas is

standardized at under 17 across the board, except 16 for federal waterfowl stamp. Oklahoma is similar to Kansas except ages of eligibility for youth seasons for deer and turkey are set at under the age of 18 and they maintain under 16 for waterfowl and still the same, under the age of 16, for acquiring a hunting license. Basically, these are where we would be if we changed only eligibility for participation in youth seasons to under 18. We weren't the worst, South Dakota and Wyoming are complex. Up for discussion at this point, but in the interest of facilitating discussion I developed a couple of options for consideration and I identified pros and cons for each. The first would be lowering the youth season eligibility age to less than 16, in line with Missouri, Nebraska, Alaska, Arkansas and Iowa; from recruitment standpoint easy for youth and mentors to understand, is simplified, but the con is, in respect to what we currently offer for ages of eligibility for pheasant, quail, deer and turkey, a loss of a year of eligible participation. Option two is raising youth eligibility age to less than 18, you may have to buy an adult permit and have to have your hunting license but still eligible at 16 and 17 to go out and participate during youth seasons but would still need someone 18 or older with you. The cons there is use for participation versus permits, not as easy to explain. It does increase a year of participation eligibility and would line up similarly with Oklahoma. Looking down the road we could potentially pursue legislative action after additional analysis regarding fiscal impacts, etc., of changing both requirement age for hunting licenses as well as other permits and stamps and availability of access to reduced price youth permits up to age of 18. As far as timing goes we are going to have to have a public hearing in March if we are to include that in deer 25-series. Next would be making change with season selection letter for waterfowl. Jeff is going to be bringing up the 25-series for quail and pheasant today that we would vote on in June. On turkey, take up with next normal cycle beginning in June. If we decide to make the change across the board to standardize it as under the age of 18 for eligibility to participate in youth seasons as well as access youth-only locations such as fishing locations, that would be taken up with fishing regulations in discussions starting this spring. Commissioner Gfeller – Describe pros and cons in adding or subtracting one year of eligibility? George – The pro from subtracting it is that everything is standardized across the board. If you are going to participate in a youth season you are eligible to purchase youth reduced price permits and you are not required to have a hunting license; and easy to explain across the board. Con is, as a 16-year-old you no longer be eligible to participate in youth season as you can now for deer, turkey, and upland birds. Commissioner Gfeller – That is the nature of my question. If you lose that year of eligibility for that hunter do you lose them as a hunter the next year? Why would we want to? George – This is just specific to youth seasons, there is nothing saying that as a 16-year-old you couldn't hunt during the regular season, it just pertains to eligibility to hunt during early youth-specific season and you have to have someone 18 or older with you. Chairman Lauber – Commission Gfeller has a good point and that is one of my concerns. We have had discussions previously about crowding and waterfowl. I think it makes more sense to raise the eligibility as much as possible to try to reach out and get more recruitment. There may be some sort of confusion but to make it easy for a mentor to understand and take away a year of opportunity, I want to encourage more people to get out and hunt that youth season. They are at the age where their experience at 16 and 17 and maybe 15, may be the difference of making them want to do it indefinitely. I think we run a risk of losing them. This would ensure more exposure by expanding the time. Commissioner Sporer – Isn't the idea to make it less confusing. I have lots of people ask me about what age they can do things, it is confusing to me. Is the whole reason we are talking about this is to standardize it so it is less confusing for people? George – Depends on what hat I have on. As department employee,

and someone who understand recruitment and retention, Tanna can speak from R3 perspective, but standardizing and simplifying regulations is one focus of R3 movement and has been identified as beneficial to recruiting new people to the sport. As a dad, love extra two years to take my kids with me. It is a difficult decision and part of the reason we didn't come forward with a recommendation is because we wanted to have some discussion on it. It is one or the other and you can't have them both. Commissioner Gfeller – That was the reason for my question, don't know that I have an opinion, but it sure makes a lot of sense to try to simplify things and if standardizing the age will do that it makes sense on the surface. What I was trying to understand is what we are giving up with that lost year of eligibility and if we have an opinion or past history that we might be losing participation from this group if they lose that eligibility too young or at 16 that is worth discussion. George – Tanna weigh in from R3 perspective. Some of the benefits you had was simplified permitting requirements. Tanna Fanshier – I echo Jake's comments that real focus is on simplification and I wouldn't be comfortable making a recommendation at this point. However, that has been a large talking point in R3, that simplification, citing some of the work done by Nevada recently. They have had great success simplifying their entire licensing structure and their two main goals were to remove laws and regulations that were confusing and potential barriers to participation and to simplify their license structure in a revenue neutral manner. They conducted focus groups and did a comparative analysis to see how Nevada compared to other places. They went through a four-step process and one was conducting focus groups. In focus groups they got feedback that said, I want to obey the law but there are six or seven things to know and if that was the case I would avoid the activity all together. The more complicated something is the more they avoid it. Jake understands the regulations and he and his kids benefit from that extra year of participation. However, if I was hoping to get into hunting with my 15- or 16-year-old and I wasn't sure where or when to participate, that would be a different situation. We came up with similar feedback in our diversity, equity, inclusion group when we worked with our Spanish speaking focus group. One of their biggest barriers of participation was being afraid of breaking the law or interacting with law enforcement. I say that to further agree to simplification is a top priority of R3, but I do not have any recommendations as to whether that is 16 or 18. That would require additional research as well as focus work and survey work as well. Commissioner Rider – I would echo that has been my experience in dealing with high school students all the time, they might do an activity, may not be duck hunters or do quail hunting all the time. They are not sure how it is supposed to be so they say, forget it. I think that is a big barrier a lot of people face and if we could get those straight across the board that would eliminate barriers with getting kids out and involved. You hate to lose a year or two but I think that barrier is restricting people as it is. Commissioner Sill – One of the things I try to do in October whitetail antlerless season is to try and take out youth or new hunters. I found the cut off at 16 has eliminated me being able to take some folks or least it made it more complicated. Here is a different perspective I haven't heard addressed. One of the things drilled into me was that everyone needs to do their part, and when we pay for our licenses and permits as well as taking care of the land is all part of doing our part. I think there is some benefit to young people learning to pay for their permits, realize there is a cost that goes toward care of the resources and yet still being able to go as a youth. It a one or two year step into learning to do their part versus a free ride for a couple of years. I think there is an investment there that is a good thing, by upping age and having them pay for permits for a year or two. I am maybe not articulating that well but hopefully you understand what I am saying. Chairman Lauber – I understand what you are saying and it does make some sense. I

would like to have extra year. Commissioner Cross – Agree with comments, like to see year of participation eligibility to maximize opportunity for the youth. I would like one clarification from staff. By doing that they still purchase license or permit, correct? George – Correct. They would be eligible to participate during youth seasons but once they hit the age of 16, so 16 and 17, they would be required to have their hunting license and a deer or turkey permit but not be able to purchase reduced price youth permit. Travis Kay – Knowing that it would take time and would require going to legislature is there any reason to not look into raising upland, deer, turkey, and waterfowl participation ages and subsequently pursue raising other participation ages? George – To potentially pursue legislative action in the future with option two we could. If we decide to now raise those up to the age of 18 for participation in upland, deer, turkey, and waterfowl seasons, we could look at hunting licenses and age you are eligible to purchase reduced price deer or turkey permits as protentional legislative action. It would require us going to the legislature and having statutes changed. Commissioner Gfeller – Any idea what reaction would be if you did pursue legislative action? George – Defer to Chris for that. It would be reducing fees for a user group. I don't anticipate we would get much but as far as getting anything through this year might not be that likely. Fanshier – Encourage the group to consider that a complicated process can be seen as a barrier and I understand that extra year is important, however if it is something that is considered a complicated barrier early on it is unlikely we will be able to reactivate that person down the line. If at age 15 they decide the licensing process is too difficult to participate, it might be difficult to change their minds down the line if we want them to participate at 30 or 40 and potentially bring their families out some day. I hope that is something we will consider as well. Chairman Lauber – No action today. Counsel Tymeson – We do need to have a direction for deer today to get in regulation process. Assistant Secretary Miller – To clarify, we don't need legislative action to change age limits, we can do that through the regulatory process; the only thing we need to go through statutes is to change minimum age for a hunting license. Statute says, if 16 you have to have a hunting license. George – Right, but there is also statutes that define ages we can provide half price youth permits. Chairman Lauber – If we don't lower the age limit do we have to do anything relative to deer season? Counsel Tymeson – There is a third option, to not do anything on youth ages and we would still have a disparity. Chairman Lauber – If we raise to 18, if that is the goal or direction, does that require you to do anything as far as a timeframe? Counsel Tymeson – In regulations that sets the season we are currently working on, in order to have youth under 18 be able to participate, I have to make change in that regulation before I can publish it for vote in March. That timeframe is close. What Jake proposed is if we are moving in that direction, the first change would be for deer, followed up with waterfowl, upland birds and then turkeys and fishing. I need to have a direction on whether we are going to lower or increase years of participation or remain the same? Commissioner Sill – Unless we do nothing in this process because of how we have to deal with these seasons independently, it is going to get more complicated for a year until it is all done before it is simplified, is that correct? If we do deer now and something else later they are going to look diapiric for a while but in the end it will be more consistent. George – Correct. If tracking closely, having them in place before the season would roll around, they all would be. Chairman Lauber – There is Option 1, 2 and 3 is to do nothing. George – Everything is on the table at this point. Chairman Lauber – We can't take a vote on this at this point. I would support Option 2, of raising youth season eligibility to under 18. That trumps simplicity, simpler to have it at 15 but going to lose a lot of people in formative years when they might be able to make changes and have a good experience. I would rather have it raised and like to know if other

commissioners feel that way and if so let Chris know and he can move in that direction.

Commissioner Sill – Option 2 is less than 18 and Option 3 of do nothing is less than 17 in the exact same blocks. Confusion between option 3 and 2, or lack of simplicity is identical, it is just we do nothing we don't gain a year. Chairman Lauber – I would like to gain a year.

Commissioner Sill – I am in support of that, no more complex than what we have right now.

Commissioner Rider – I am not prepared to move forward with anything at this point for deer. I would like to have another month or two to look at the other seasons. I know that puts deer back a year but that is where I am at. Commissioner Gfeller – If I understood recommendation from

Tanna, she is saying everything across the page is 16, 17 or 18. Is that right? That being the case, if forced to have an opinion today, do everything 16. Like to have more information on what we potentially would be giving up in terms of licenses if we raise everything to 18? If giving up licenses, how much is that? That will give me better sense of how legislature might look at that.

Good presentation Jake but don't know if I have everything I need to decide which way to go other than to simplify things. George – I might throw out a fourth option, we could leave youth upland, deer, and turkey at under age 17 and raise, by including in the notes of season selection letter to Fish and Wildlife Service, participation in waterfowl to match that. That would get us to under 17 across the board and would buy us time to review both of these options we could potentially change at a later date. Chairman Lauber – As compared to doing nothing I would propose we do that, change waterfowl and nothing else. We have to let Fish and Wildlife Service know what our intention is. They now allow up to 17 and that way we would at least get that raised while why we try to figure out how to increase eligibility age down the road. Cheech

Kehoe – Earlier this year a friend and I were ready to go down to the Bottoms for youth season; we had done everything we needed to do and packing up when we realized his son was 17 and that prevented us from taking that trip. That was after we inquired about youth season for waterfowl because at the time it wasn't listed under youth season for waterfowl as 16 or younger.

I believe youth seasons across the board need to be 18 and under to give on opportunity to bring more people into the fold, we are losing hunters and participation. That and things like what happened to my friend and I would happen. I am going to continue to go and so are my boys, but it was a lost weekend, a lost opportunity. Putting those young men under the age of 18 into the field will pay dividends down the road regardless of what you lose in short term licensing fees. I encourage the commissioners to take this into consideration because you are going to put more people in the field and some of those people will buy licenses down the road. Commissioner Sporer – What would be the downside if we came to the conclusion that 17 was the number? Downfall of making that decision today. Chairman Lauber – Probably not. Commissioner Rider

indicated he is not prepared to do anything because it is a new subject to him and he needs more information. I would like to at least raise waterfowl to 17 and have whatever we send the USFWS be notified we are changing it to 17. It gets confusing when you say 17, that means under 18. George – I recommend if we want to go that direction with waterfowl that we consider doing the same with the other seasons so they stay in line. They may be different from the permits, but as far as opportunity and eligibility to participate in any of the youth seasons should be the same. Currently it is under the age of 17, or 16, for youth, upland, deer, and turkey.

Fanshier – It was stated earlier I was in favor of 16 and under, I would like to clarify I am not pushing any decision at this point, I am simply advocating for simplicity. Jakes proposal sounds great, a step in the right direction. Chairman Lauber – Like idea of raising everything to 17 across the board. Commissioner Gfeller – Which is Option 2. Chairman Lauber – Yes. Kehoe –

What is downfall of allowing waterfowl to under 18, not 18? Chairman Lauber – The Fish and



Wildlife Service has it at under 18. George – I believe that is correct. Chairman Lauber – The Fish and Wildlife Service doesn't recognize the youth season unless you have it at a certain age. Kehoe – Downside to under 18? Commissioner Gfeller – Confused, not sure there is a downside. Commissioner Gfeller – I am confused, I'm not sure there is either if the definition of consistency if all the yellow (on PowerPoint slide) under 18 and green is under 16. My understanding was with confusion you lose potential hunters. Maybe I am not clear on what is confusing. If Option 2 is not a definition of confusing, then lean towards Option 2. George – That is the reason I formatted these the way I did for the options because both of them have inconsistencies, just whether we standardize as one across the board or we have two standards; one for licenses and permits and one for eligibility for participation in youth seasons. Commissioner Gfeller – Lean towards Option 2 because it has some simplification to it. If that is not a confusing structure where we might lose participation, then we solved one problem and have potential to go all the way if we decided at later date to deal with the legislature. Chairman Lauber – Warren is right, how we go about doing this at least to where Chris can put something in there. Doesn't require a vote today does it? George – At this point just looking for consensus to include that number and language in 25-series as they come forward for a vote. Chairman Lauber – Anyone strongly opposed to a consensus of Option 2, raise everything to under 18? Commissioner Rider – Not strongly opposed, just looking for more information as to numbers and what it would do potentially long term, was reasoning for being hesitant. Not strongly opposed to direction either way. Chairman Lauber – Any commissioner opposed to Option 2? Commissioner Sporer – How does this work for nonresident youth? Counsel Tymeson – Youth seasons do not delineate between residents and nonresidents. Commissioner Sporer – What about special season permits? Counsel Tymeson – Not sure what you mean. Commissioner Sporer – It is not like a special permit to go hunt the refuge it is general youth season with dates and it is open to all nonresidents. Counsel Tymeson – All youth seasons are open to residents and nonresidents as long as they have an eligible permit, like a general deer permit or youth permit. Commissioner Gfeller – I am assuming that by just giving this direction we are not approving anything; we will workshop like we do other issues before we vote and during those workshops we can gather additional information as needed before we make a decision? Chairman Lauber – That is my understanding. Counsel Tymeson – This is the workshop for deer regulations, we would be voting on deer at next meeting. George – To clarify, this presentation isn't but Levi will be covering the 25-series in the workshop later today and you will be voting on that in March. Chairman Lauber – Consensus and go forward with that. Does that give you enough to go on Chris and Jake? George – Yes, we can proceed accordingly.

3. Webless Migratory Bird Regulations – Richard Schultheis, migratory game bird research biologist, presented these regulations to the Commission (Exhibit I). Regulations for doves, snipe, cranes, rails, woodcock, and crows must adhere to federal frameworks similar to the process we follow for waterfowl. Unlike waterfowl stability in federal frameworks allows the inclusion of webless migratory bird regulations, bag limits, and season dates in permanent regulations. Recent changes include splitting our sandhill crane hunting unit into west and central zones with different season dates in 2020 season and changes to exotic dove regulations back in 2019. For upcoming 2020-21 seasons, no changes to webless seasons are anticipated. Final staff recommendations will be presented at the March commission meeting. Potential season dates under current regulations is provided in briefing item.

4, Waterfowl Regulations – Tom Bidrowski, migratory game bird coordinator, presented these regulations to the Commission (Exhibit J). The U.S. Fish and Wildlife Service (USFWS) annually develops frameworks from which states are able to establish migratory game bird hunting seasons. These frameworks establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. Briefing item includes proposed 2021-22 season frameworks and pertinent background materials. There are no anticipated changes from previous years frameworks, staff recommendations will be addressed at the March commission meeting. Chairman Lauber – You will have season recommendations at the next meeting? Bidrowski – Correct as well as more background information on things like youth seasons, etc. Commissioner Rider – Had emails with concern with having veterans on same weekend as youth season. Some people felt that was crowding the youth out, comments on that. We are trying to get open it up and give lots of people opportunities and don't know what thought of that is. Bidrowski – First year was 2020 and we greatly appreciate feedback from the hunting community as we gain experience. Season selection was based off results from 2019 waterfowl hunters survey where there was strong support to hold the dates simultaneously. We have received a number of passionate comments regarding the overlap, both from active military and veterans appreciating the hunting opportunity as well as those involved with youth hunters who feel the impact. There is some trade off in splitting dates such as reduction of hunting days for ducks in the high plains as well as light and dark goose seasons. We are examining the issue and hopefully will devise dates for our seasons acceptable to all parties. Chairman Lauber – Received the same email and it was a good point made, so we need to think about that. Commissioner Sill – I got several of those. Got a phone call this week from a gentleman who has dedicated his life and work to waterfowl as well as his passion, he each year tries to mentor youth and he spoke this year of taking a couple youth to Wilson and as they stood talking to a group of five hunters from Arkansas at the boat dock, they said so-and-so was a vet and the four of them came along to hunt with him. This youth had a less than optimal hunt because of the hunting pressure. He saw unethical behavior on the part of other hunters, it was crowded, not a positive weekend. There are a couple of issues, not just overcrowding but also hesitancy to inquire as to vet status of hunters; no disrespect to them intended, but if out of that group of five hunters, one was a vet and that is not the only hunting group in which that happened. I hope as you bring things forward you will be able to address that issue as well as competition between the two. Share Commissioner Rider's concerns. Chairman Lauber – It is illegal if you are not a veteran to hunt in vet season. Just because a friend of veteran doesn't make them a vet. I understand and share concerns Commissioner Rider has as well. Commissioner Sporer – Have Feds showed any signs of giving some more duck days in Central Flyway? Bidrowski – They have just finalized last year; new age impact is in there but no provisions for additional hunting days. I don't see any in the near future being added and we are already at maximum hunting days for goose seasons. Commissioner Sporer – What was your take on out-of-state hunters coming to Kansas this year? Bidrowski – It is an increasing trend; 36 percent last year was number of nonresident hunters with waterfowl stamps. There are both a lot of short-term and long-term patterns to examine, one is too many for some. From hunter communications we may be reaching some tolerance at this point but we also need to examine greater issue here. Is it just with nonresidents, is it a crowding issue, is it a behavior issue, is it public versus private land? There are not any simple solutions and issues are both biological and societal, particularly on

some of our specific state waterfowl areas we are seeing an increase and definitely hearing a lot from hunting community on the issue. Commissioner Sporer – Do you feel you as the waterfowl specialist will try to come up with some regulations to help with this problem by next season? Bidrowski – I think there is long-term and short-term solutions to it, some more easily implemented than others, some will take more regulation, like guide services and what we can allow in sales that impact economically and to federal funding as well as state license revenues. My job is to identify issues and develop information for Commissioners to make those decisions. Assistant Secretary Miller – You asked earlier about sale of state duck stamps and if we saw an increase. Doug Nygren did a query, and if we compare year to date 2019 to 2020; in 2019, 35,441 state duck stamps were sold, in 2020 we sold 38,450, about a 4,000 increase. That query doesn't discern between residents and nonresidents. In 2018, we sold 34,380. Bidrowski – there is a variety of data streams we do have, not only state waterfowl stamps sales but small game surveys, HIP data, iSportsmen and at March meeting we can show you some patterns we have seen, not only in hunter participation but also residency of hunters. Chairman Lauber – It will be interesting to know. Nicholas Boehm – I wanted to provide brief input on youth/veteran season. I am not a veteran but a took a brand new waterfowl hunter for both late in Southeast zone. We did our best, waited at the boat ramp until the last second we could possibly go in to make sure any youth who showed up would get the best spots. To spite that, we both agreed that our personal feeling, even though we hunted both days, he hunted, I didn't, but we both felt it was taking away from experience was supposed to be for kids to be able to hunt in an easy-going, low-key, noncompetitive situation. We decided we would not be doing it again because it didn't feel right. Share personal experience.

5. KAR 115-18-13. Dark geese; management units, permits, and restrictions – Tom Bidrowski, migratory game bird coordinator, presented these regulations to the Commission (Exhibit ). This regulation establishes management and hunter permits systems in units as well as season lengths, daily bag limits and shooting hours. Conservation measures were implemented through the 1990s to address any migrant stocks in eastern Kansas. By withdrawing migrant stocks and increase in resident Canada geese, goose management has been greatly changed from restricted to liberal strategies. In 2008, Kansas adopted a single statewide season for dark geese since there is no longer any need to maintain KAR 115-18-13. Staff is recommending revoking this regulation.

6. Small Game Regulations – Jeff Prendergast, small game specialist, presented these regulations to the Commission (Exhibit L). Small game and upland game bird regulations we rarely make changes to due to the biology of these species and hunter behavior of those that pursue them. Harvest has limited impact upon populations so we have set our regulations to match social preference and those stay relatively static over time. We usually only address these regulations as specific concerns come up. We haven't made any real change in ten years, so thought it was prudent to do a review of the regulations. We recently set up a small game committee and had sub-committee that reviewed all of our small game regulations trying to simplify and increase consistency across them and make sure everything still fits. Based on that effort we have a few small regulation recommendations we will work through over next few meetings. Start with small game regulations, KAR 115-25-2 and 25-3, which is open season and bag limits for rabbits and hares. This regulation has remained stable, last change in 1993, rabbits, to spite being abundant, have limited hunting pressure. One of the things noted in this review is

that while we have the most liberal daily bag limit on this species compared to other small game species, we have the most restrictive possession limit. No official recommendation at this time but considering increasing the possession limit to four times the daily bag to make it consistent with all of our other small game and upland gamebird species. In addition, we have a running season for rabbits, but not hares. Given the nature of these hunters they could potentially end up with dogs on hares, looking at including hares in running season. Chairman Lauber – When does a rabbit become a hare? Prendergast – A hare is our jackrabbits. Chairman Lauber – What is our current daily bag limit on rabbits? Prendergast – Ten per day. Chairman Lauber – What is our current possession limit? Prendergast – Three times the daily bag. Chairman Lauber – You are potentially considering four times the daily bag? Prendergast – That is correct. Chairman Lauber – That is a lot of rabbits. Prendergast – It is and don't expect this to have that much of an impact on hunters, it is more to make regs consistent across species.

7. Upland Game Bird Regulations – Jeff Prendergast, small game biologist, presented these regulations to the Commission (Exhibit M). First I will address KAR 115-25-1a and 1b, open seasons for pheasants and quail. Specifically, we are looking at the youth season. Kansas had its first upland game bird youth season in 2000, always the weekend prior to the opening of the regular season – Saturday and Sunday and includes half a daily bag limit. In the initial season, the mentors were allowed to hunt, after that they were not. A youth is defined as 16 and younger and have to have a mentor 18 or older with them. This season has had low participation, or appears it has, so, making several different considerations in terms of what we can do to increase participation. One of which was the potential increase of the age. Other things in relation to bags limits and mentor requirements. No recommendation at this time, will bring more information to the next meeting. KAR 115-3-1, game bird possession. We had a law enforcement individual on the regulation review with us and since 1963, we limited pheasant harvest to cocks only and in order to enforce this regulation required proof of sex. Currently, it says foot, plumage or other proof of sex and it was asked if we could remove “other proof of sex” to clarify what we consider proof of sex. The other would allow testis, which are internal organ, but trying to simplify by stating what is allowed. Strike language that would allow anything other than foot or plumage.

Kent Fricke, small game coordinator (PowerPoint – Exhibit N) – Brief overview of prairie chicken season. Small game committee did a regulation review and this is one of the regulations looked at. The range of greater prairie chickens is in the central part of the country and a few smaller populations in Missouri, Illinois, and Iowa. In Kansas, our current season structure has an early and regular season. The early season runs from September 15 until October 15 and the regular season starts the third Saturday in November and runs until end of January. The pheasant and quail opener is on the second Saturday in November, so is a week later. The first season was in 1861, when Kansas first became a state and got first game regulations. Started early season in 1989. For comparison of how that stacks up against neighboring states; Colorado has a season from October 1 to January 3, about three months and a season bag limit of two birds; Oklahoma season closed in 1997 due to declining populations; Missouri has not had open prairie chicken season since 1907; Nebraska opens September 1 and runs continuously through January 31; South Dakota, their season is similar to Nebraska and has continuous season September 19 through January 3. Kansas has the only split of early and regular season. Prairie grouse in general, both greater prairie chicken and sharp-tailed grouse are widespread species. We do have other states to look at in terms of data for how hunting affects prairie grouse population and how

hunters are reacting to hunter behavior, early versus late season in Kansas and what harvest looks like. When we talk about traditional prairie chicken hunts we often think of the Flint Hills. Historically, especially in the Flint Hills, hunts were a really big deal with local communities, lots of hunter breakfasts and lots of people looking forward to the opener of regular season in the Flint Hills. Beyond that, in western states, for both species, there is more a tradition of earlier season and a lot of participation by hunters who like to use dogs when birds are less likely to flush out of range, a lot of young of year birds that hold tighter and are a little more naïve. We had greater interest with early season in 1989 and more interest has been geared toward that early season as first opportunity for bird hunters to get dogs out. From small game harvest survey, we are able to track number of days hunted and estimated harvest. In comparison to late 1970s and up to mid-1980s, not many hunters taking or harvesting greater prairie chickens. In the last ten years we have had relatively low number of hunter days in terms of efforts and relatively low harvest. Beginning in 2012, we began to augment this information with Kansas prairie chicken hunter activity surveys, we require a prairie chicken stamp for hunters targeting prairie chickens. Through that we are able to ask people who purchased that stamp about activities. While early season is only one month long and late season is two and half months long, roughly half of our prairie chickens are harvested in early season. Able to ask hunters where they are targeting most of their efforts and since we began collecting data in 2012 there are a few counties in the eastern portion of state, primarily Butler and Greenwood, have dropped off as top counties where people are focusing their efforts. Many of counties in Smoky Hills, northcentral part of state, are maintaining status of being targeted by prairie chicken hunters. There is likely a number of interacting reasons for this, one of which may be access, in the Flint Hills especially there is relatively low acreages of WIHA and few public wildlife areas that have prairie chickens on them. In general, a lack of access and drop of tradition. From hunter harvest survey, comments we get in general, hunters enjoy early season, however they say they are looking for mixed bag opportunities. This addresses where the regular season starts a week later than pheasant and quail opener. Lots of people that purchase a prairie chicken stamp would like the opportunity to harvest a prairie chicken if they come across one. We have decent population trend data across the state, for three of those we have most consistent data, the Flint Hills, Osage Cuestas in southeast portion of state and the Smoky Hills in northcentral part. We looked at summarized data of lek surveys done each spring, in general slightly declining population in Flint Hills, relatively stable in Smoky Hills and declining population in southeast portion of the state. We don't have many routes in glaciated plains in northeast portion of the state but trends are similar there in terms of numbers. We do have biological data of abundance of birds on the landscape. We have slightly declining populations overall, with exception of southeast portion or extreme eastern portions of the state. Research has shown harvest is not likely to be additive, with relatively few hunters harvesting relatively few birds. Some research on lesser prairie chickens has shown that harvest levels of about three percent, before their season was closed, did not affect population in southwestern part of state. We think that likely holds true for greater prairie chickens as well. In places like the Flint Hills, with relatively low hunter access, in Smoky Hills get more, but in general low access to large chunks of grassland and ranches that hold some of bigger populations. Statewide, where we have seen declines in populations, in no way does it look like harvest is driving that, it is due to habitat loss, so harvest is not likely have a big additive. Currently have early and regular season starting on third Saturday in November. Exploring 1) no change; 2) adjusting regular season start date to second Saturday in November to coincide with pheasant and quail opener; or 3) creating single season September 15 to January

31. Commissioner Sporer – What is the limit per day? Fricke – Two per day. Commissioner Gfeller – With respect to number two, opening with pheasant and quail, do you have any concern about mistaken pheasant hens killed? Fricke – No. We discussed with small game committee and even during early season we haven't had any reported instances of that being an issue, so no real concerns of that being the case. In other states, for example, Nebraska, they have that continuous season as well and haven't seen any issues in those states. Commissioner Gfeller – Original idea of split season, what was rationale? Fricke – We had a later start date, in 1989 and before it was week before pheasant and quail opener, first Saturday in November and at that time people looked north and westward and saw other states looking at having earlier seasons and being able to run bird dogs and wanted to see that opportunity in Kansas. Commissioner Gfeller – Could have had continuous season, without the split, so was there reason for split? Fricke – I think the primary reason was to maintain that traditional hunt and having an opener for the regular season, especially in the Flint Hills, where you saw more hunters congregating, early morning pass shooting as opposed to pursuing on foot with dogs, not all hunting, but saw more of a tradition associated with opener of prairie chicken season. Commissioner Cross – When did early season start? Fricke – 1989. Commissioner Sporer – Option 3 seems to be the simplest if wanting to move toward being simpler, makes sense to me. Fricke – I will present recommendations at the next meeting and additional information from this year's prairie chicken hunter activity survey. We asked again this year hunter's thoughts on potential expansion. Larry Scott – I live west of Allen, 20 miles north of Emporia. Share concerns discussed earlier with regards to outfitters. My biggest concern is with regard to prairie chicken populations in the Flint Hills. Started hunting in 1965, cousin owned the place I live now. In 1965, opening season of prairie chicken season was a big deal, people were hunting all around the area. I moved here in 2004, in a snowstorm in a bean field by my house I counted 163 chickens in that field, plus or minus five birds. Last winter, January snowstorm, counted 35 birds. This fall, before season opened I had one bird coming into a couple fields, I didn't see that bird every day but I walked by the fields on a daily basis and saw that bird five or six times. That was the only bird I saw prior to November late season. What is causing the problem? I wish I knew. I wish I had a reference for you, read a paper that talked about killing birds on lek in early season and kills off a lot of the dominant male birds. People that hunt early seasons know where the leks are. I am concerned about early season hunting. I think it has a disruptive effect on social structure of the birds. I will write comments and send later. I also have a lot of concerns about use of WIHA and outfitters, but those are secondary to my prairie chicken concerns. Don't know much about hunting prairie chickens in other areas, I grew up in Washington County, I have killed a prairie chicken or two here but it is rare. Concerned about number of chickens we have.

8. Research on the Effect of Grazing on CRP – Kent Fricke, small game coordinator, presented this update to the Commission (Exhibit O, PowerPoint Exhibit P). Working on research with Wichita State and Emporia State that looks at the effects of cattle grazing on CRP. We want to highlight some of the research we have got ongoing and how we are trying to design research to inform policy and management decisions, not only within the department but with conservation partners across the state. Want to recognize Bill Jensen, Greg Houseman, Mary Liz Jameson and Molly Reichenborn, the researchers from Wichita and Emporia State who collaborated with us on this project. One of the primary issues we deal with as an agency and conservation-minded people is habitat loss and fragmentation. Agriculture fields are extensive and when you start looking at intact grasslands, aside from the Flint Hills and the Red Hills in

the southwest, we lack grassland in the state. This is a primary concern on a number of levels and something Jeff and I deal with daily in terms of managing species and upland bird species. The Conservation Reserve Program (CRP) is a program that allows us to combat some of this loss and fragmentation of grassland. CRP began in the mid-1980s as a program meant to take marginal cropland out of production and put it more towards soil and wind erosion. Over time it has also adapted to where wildlife is a chief concern that is being addressed with CRP fields. In Kansas, nearly two million acres are enrolled in the program. It is important to wildlife resources that we manage that. Through research we have done with Kansas State University we found how important lesser prairie chicken CRP is, especially during periods of drought when upland bird species are most susceptible. CRP helps keep prairie chickens on the landscape. Last meeting in cover crop presentation we found that over 50 percent of pheasant hens were nesting in CRP and that is important when we try to target for both CRP and cover crop areas. In terms of hunting resource, 30 percent or 350,000 acres of WIHA has CRP on it, which is extremely important for upland bird hunters and deer hunters as well as game and other wildlife species. It is of economic importance to landowners; they can take marginal cropland out of production and the benefit of having those properties for emergency haying and grazing is also a lifeline during years of drought when landowners are struggling. The department has three primary goals when discussing and trying to help inform policy decisions about CRP. 1) Maximize the quantity; maximize acreage within the state as much as we can; some grass is better than no grass. 2) Maximize habitat quality on properties enrolled, looking for opportunities to change from mono-typic single species stands of grass to something more diverse that will sustain more opportunities for wildlife. 3) Insure longevity; if you have 10- to 15-year contract we want to look for opportunities to keep CRP in grass beyond single enrollment, with reenrollment or if taken out of CRP, there are other opportunities to help us incentivize keeping it in grass rather than plowing it up and turning it back into cropland. Specifically, we tried to address some of those goals. For habitat quality, CRP mid-contract management is required of landowners enrolled in CRP to do some kind of disturbance to the property within their contract. It might be disking, inter-seeding forbes, limited haying and grazing, prescribed fire, or a number of other alternatives. One of the things that has been restricted in the past is the grazing component, typically only for emergency grazing opportunities. We often see stands with mono-typic heavy grass cover; to benefit wildlife we would like to see more plant diversity and increased habitat structure. One of the limitations we have in single species research approach, whether prairie chickens, pheasants or quail or any other species is that by only looking at one species of high interest to department and hunters those often don't address issues that federal agencies, like Farm Service agencies, FSA and NRCS, want to see to inform their discussions and policy decisions. This effort is a way to try and look at entire eco-system by making a single management action. We came up with a conceptual model to better inform these decisions; plant community, diversity and structure have the potential to impact the full trophic interaction where plants support food, which in turn controls insects all the way down to birds who feed on those and use plant community for habitat they rely on. Look at plant diversity and structure as being proxy for habitat status and ability to support wildlife. The flowering plants specifically within plant diversity impact pollinators and other invertebrates, ground beetles and important food resources for our wildlife and birds. Turkey poults and pheasant and quail chicks require invertebrates for protein to grow after they hatch. All that together, plants and invertebrates affect bird habitat. When we look at Kansas, there is a lot of diversity in habitat types across the state; short-grass in the west, mid-grass prairie in the central part and tallgrass prairie in the east.

It sets us up for a nice opportunity to do a statewide study to look at a single management option and is highlighted in precipitation rating, less than 14 inches of rain annually in the southwest and upwards of 40 inches in the extreme southeast part. The researchers in 2016 began to look at sampling CRP fields across the state to look at grazing as an opportunity for expanded use of mid-contract management tool. Landowners across the state agreed to allow access to properties with CRP. Half were grazed, 54 grazed, 54 not of 108 total sites. We did field work in 2016 through 2019. From that research from five different master's program students, 1,000 pages of documents and researchers and students are continuing to put out publications to scientific peer reviewed journals. This project started and young researchers worked through the process and data and get us information for this. In addition to these five the two universities employed over 50 undergraduate technicians to work on these projects, in summer in the field and in lab work the rest of the year. Overall, moderate grazing did not lead to degradation of the plant community, which is important because there is always going to be concerns about whether or not it has a detrimental effect. We did use a moderate grazing scheme but at the same time we wanted to address this as mid-contract option where we didn't feel it was likely more extreme, heavier grazing would be acceptable to our federal partners. Insect response, depending on region of state you were in, we can identify portions of the state, like mixed-grass had more insect responses that were very good and we can focus on that, but if responses were lower in southwestern portion we could adjust policy recommendations accordingly. We looked at abundance and diversity of songbirds using CRP fields as well as nesting of species, got blood samples from newly hatched chicks and getting triglyceride samples. Overall varying impacts on different species, as expected with a community study and there were some indirect risks to bird nests as with any of our upland bird species depredation is always a concern when talking about ground nesting birds. Brown-headed cowbirds are a nest parasite, use other bird's nests, and four nests were destroyed by cattle out of 2,000 nests found during the study, no big impact. Overall things are looking good and we are excited about potential of this. We are working with our federal partners at FSA and NRCS. Others with input on this study include The Nature Conservancy, Playa Lakes Joint Venture and others and the conversation continues. We see real benefits to designing research in a way that has the potential to better inform our decisions so state offices can take those discussions and data to Washington. The researchers on this study just did an hour-long presentation with decision makers in Washington at FSA and specifically talked about potential of increasing grazing opportunities in CRP in the future. We want to thank partners and landowners. Researchers had to call many landowners to get 108 landowners to give access to property and it is commendable to landowners and their ability and willingness to allow us access to their property to do research. There is potential economic benefits to landowners as well if we can increase grazing on CRP. That improves wildlife habitat, which is important to us as a department but the more ability farmers and ranchers have to keep cattle on the landscape in a good way for wildlife gets us more grass for the future and more habitat. Chairman Lauber – Good report.

9. Parks Permits from Kiosks – Linda Lanterman, parks division director, presented this proposal to the Commission (Exhibit Q, photo Exhibit R). KAR 115-9-6, Vehicle permit display. Currently all of our permits have to be attached or affixed to the front windshield. We are getting ready to install 26 electronic kiosk systems. Those systems will be credit card only and it will spit out a permit that will lay on the dash where it can be seen through the front windshield. This will integrate into our reservation system and get cash out of the field. Other state park systems



have these and have noticed an increase in revenue based on machines, especially in locations where it is hard to staff. It makes people more willing to pay when there is a location to pay. Chairman Lauber – Is this for annual permits as well as day use permits? Lanterman – Right now day use only permits, the annual permit is an actual sticker. Haven't decided right now. Commissioner Sporer – Do you own or rent the machines? Lanterman – We will own them as part of our contract through our reservation company. Commissioner Sill – Potential to go to including annuals at some point? Lanterman – Absolutely, it can be done. Commissioner Sill – Once in a while when you can't find somebody to buy one from and it is awkward being out there and not having one and not having an option to buy one. Lanterman – Good point, they would have to come in and replace that in the park office at some point because it is more of a receipt type. Commissioner Sill – Like to see you go that way at some point. David Condos, Kansas News Service – When do you expect kiosks to be installed? Lanterman – Start this summer, we will get 26, one in every state park that has a campground and a couple of state parks will have two. They will run off electricity or solar and cellular data or our internet service. Condos – Other state parks have done this and seen increased revenues, especially in areas where somebody may not be able to find a ranger or in a remote area. Do you have any estimates of revenue per machine, or how this will increase revenue at a certain site? Lanterman – I don't. Last year was such a different year for us, hard to believe we can continue to go up but do expect some increases. State park systems like Wisconsin, Oregon and Colorado use these systems in the Forest Service and National Park Service. It will just depend on location but I expect some increases because there will be something there for them to buy. Condos – Will these be placed at entrance, campground or somewhere else? Lanterman – Most of them will be at the entrance because close to internet service and electricity. We might have to be strategic on some where they would be used more often. That hasn't been determined yet.

### **C. Workshop Session**

1. Antelope 25-Series Regulations – Matt Peek, wildlife biologist, presented these regulations to the Commission (Exhibit S). KAR 115-25-7 is antelope season and bag limits. We are not proposing changes season structure, permit type or season dates. We are still trying to get the southern aerial survey routes completed after which time we will have permit recommendations. We are anticipating a decrease in permit allocations. At the last meeting I brought up a concern about archery harvest pressure the herd has faced the last couple of years. Before 2005 we never sold more than 150 permits but from 2009 to present we have never sold less than 250 permits. This current season we sold 402 permits, the most we have ever sold and it surpassed previous high of 380 in 2012. It also surpassed last five year by almost 100. Somewhat of an anomaly but the permit sales have been going up. Associated with that our harvest has also increased to 83, which is the most archery hunters have ever killed. This is preliminary at this time and could change by a few animals. Our five-year average is in mid-50s, so this year's harvest was almost 50 percent over previous average. For comparison, this year archery hunters killed 83, firearm hunters killed 118 and it takes five or six years to get one of those permits, and muzzleloader hunters killed 24. The point is archery hunters are now harvesting significant percent of the total. With that high harvest pressure by archery hunters comes a decrease in satisfaction. There is more pressure in areas where archery hunters are going. That is an issue we are looking into. Chairman Lauber – Do you think unlimited permits will be a thing of the past? Peek – That is something we need to talk about we could put a limit on them of something like

300 and most people would still get to hunt and if pressure dropped back off it would essentially be unlimited again. We have not broadly discussed those things. There is some other data we need to look at to make a determination if that is necessary. Commissioner Sporer – What is split between resident and nonresident archery? Peek – We only sold nine nonresident over-the-counter archery permits this year and 393 resident permits. Nonresidents are insignificant relative to harvest and pressure.

2. Elk 25-Series Regulations – Matt Peek, wildlife biologist, presented these regulations to the Commission (Exhibit T). KAR 115-25-8, elk, open season, bag limit and permits. Not proposing any change to season structure, bag limits, or permit types, all standard as it has been for several years. Sold 150 permits as of today and our previous high was last year at 153 so we are likely to surpass that number this year. I don't have summary of harvest off of Fort Riley, but the Fort Riley season itself has closed. Nine of 13 any-elk hunters harvested bulls, 10 of 18 antlerless elk permit holders were successful. The unsuccessful of both of those could still be hunting off post. This was another successful season with high success rates on Fort Riley even though it is a difficult hunt. We do have permit allocations to present. I visited with Fort Riley staff after the briefing book came out. We will stick with same permit allocations, same as in the past couple of years 12 any-elk and 18 antlerless, which are valid during one month of the season with a firearm.

**VII. RECESS AT 5:03 p.m.**

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

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

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

Ray Crow – Comment on Kansas muzzleloader season, I visit quite often to participate in the outdoors. I want to make it known that the Federal Firestick would be a great addition to Kansas muzzleloader season.

Joel Hodgdon, Shawnee resident – I am life-long Kansas hunter and muzzleloader hunter and I support allowing Federal Firestick in this year's muzzleloading hunt. In addition to reasons Ray brought up, I know recruitment, retention and reactivation of hunters in our state is important and one way to get more hunters buying licenses and tags is to allow new technology that makes hunting safer and effective. Firestick falls in that bucket, a great product and something I would like to use myself this fall. Encourage you to take another look at it and consider allowing it for hunting season.

Terry Schowalter (via email) – Voice concern, talked about airgun hunting for deer hunting. He mentioned it had to be over .0357 caliber, but him and his friends thought it would be a nice idea to add for deer season.

Chairman Lauber – For this coming year have we passed regulations? Kemmis – No, it is on tonight in workshop.

## VI. DEPARTMENT REPORT

### B. General Discussion (continued from afternoon)

10. Landowner and Tenant Deer Permits – Chris Tymeson, legal counsel presented this update to the Commission (Exhibit U). Mike Miller asked me to do this presentation. KSA 32-937 is what dictates how our permitting works in Kansas. Unlike other species, deer is dictated in statute, it sets out permit allocations and permit types, nowhere else does that occur for other species so it is unique. In history, Keith Sexson is largely responsible for the statute. It came about in late 1980s, as deer populations rose, folks wanted landowner guaranteed types of permits so they came to old Fish and Game Commission and came to legislature and got first statute written. Over that time there had been a couple additions and renditions to the statute. Most notably, in 2010 (2006), Mike Miller convened a task force and I was on that and we looked at statutes and tried to come up with a system to satisfy as many constituents as possible. When we did that we took what was basically a one-room house that was added on to over the years, tried to take it down to the studs and rebuild it. A lot of the language there today was originally there and we added in a few other things. Every year we get confusion about landowners and tenants and who can qualify for what type of permit. Landowner means a resident owner of farm or ranch land of 80 acres or more located in the state of Kansas. It doesn't say resident landowner, it says landowner and they make a distinction later in the statute and say, nonresident landowner, so it is landowners and nonresident landowners. A landowner is somebody whose name is on the deed. If your name is not on the deed, it talks about individuals because permits cannot be issued to corporations. The next section, nonresident landowners, a6, a person whose name is on the deed. Those nonresident landowners qualify for a Hunt-Own-Land (HOL), a guaranteed permit as a landowner to be able to hunt your own property. You have to have 80 acres per permit per individual receiving a permit if their name is on the deed. If Secretary Loveless and I owned 160 acres and we were nonresidents, both of our names were on the deed, it is an undivided interest in that 160 acres and we would each qualify under the 80 acre clause for a permit. That goes for residents as well, 80 acres per person per permit. The next section is the most difficult section we have when it comes to interpreting the statutes, subsection a2, tenants. There is no distinction between resident and nonresident tenant and there is a reason for that. When it was originally envisioned tenancy was somebody who was farming and lived close to the border and farms both sides of the border. As we all know land ownership today has changed and people might live in states clear across the country. A tenant could still be a tenant living in Maine and qualify under the statutes for a permit because they own the land in another legal entity. Common ones are partnerships and trusts, most commonly limited liability corporation, an LLC. That is how people who might not be a landowner, have placed it into an LLC for a number of reasons, to protect themselves from suit or for tax purposes, they don't own that piece of property it is owned by another legal entity and they are the manager of that entity. Again, a tenant has to have 80 acres or more of farm or ranch land that they are actively engaged in the operation of, and there is an "and" clause, who has substantial interest in production of agricultural commodities on such land and potential to realize the benefit or bonified manager having overall responsibility. If I live in Maine, I might contract or sub-contract farming duties, as a landowner/manager of the LLC could still qualify for the permit because I am managing my employees or contractors on how they operate on that property. Originally it was put in there for

cross border situations. Also, while specific in some of those regards in what it states it is also general enough that it allows those other opportunities for people who might inherit a piece of property and put it into LLC and live in Missouri or Illinois and come here to hunt. It causes some problems for enforcement folks because what is a substantial financial investment for one might not be for another person so that can be difficult. Evidence of tenancy, written leases, income tax or farm records and things like that, if it is a legitimate farm people are doing it for income tax benefits. One thing about tenants is the fees are different, we do differentiate between resident and nonresident when it comes to fees, charge a nonresident tenant the same amount we would charge a nonresident landowner and same with resident tenant, same amount as a resident landowner. One last thing, residents who are landowners, their children who reside with them qualify for a HOL permit, but nonresident landowner's children do not. A differentiation in the statute. If you are a tenant and a nonresident the children who reside in your home that you are legally responsible for could qualify as long as 80 acres or more. It is complex and every year we get questions and every year get people trying to manipulate the system to see if they can qualify. Those are the bigger questions that rise to my level. Quite often I get contacted by people looking at purchasing property and want to make sure they are doing the right thing. I typically respond that if they have an attorney to have their attorney contact me, without providing individual personal legal advice to somebody. Chairman Lauber – Can nonresident landowner buy a special HOL deer permit as described in (a)(h)? Tymeson – The special nonresident HOL permit is available to resident landowners or to tenants, could be resident or nonresident, for their children who reside out of state and want to come. They have to have a nonresident hunting license and get special HOL deer permit. That was one of the biggest complaints in 2008 when we did this. Nonresidents who had a connection to a family farm or had gone to college and ultimately stayed out of state, how could we accommodate those people with that familial tie to the ground, without upsetting the balance of resident and nonresident permits. We came up with this idea to solve that. Chairman Lauber – Even though it says landowner, a landowner can be resident or nonresident? Tymeson – In the statute where it refers to landowner and does not say nonresident landowner, if it just says landowner it refers to a resident. Chairman Lauber – A nonresident landowner would not be able to buy a special HOL deer permit? Tymeson – Yes. The landowner or tenant, resident or nonresident, they are not the person buying the permit, it is their children, their lineal ascendants or descendants. Even if my father lived in Minnesota and I was resident landowner of 80 acres or more, met requirement of 80 acres per permit, my father would be the one who is actually purchasing that special HOL permit; he is doing it tied to my land. Chairman Lauber – If your father lived in Minnesota and had 80 acres, could he buy a permit or have your brother buy a special permit if he is a nonresident? If fee simple title is in the name of a nonresident, can their nonresident children apply for a special HOL permit? Tymeson – No, nonresident landowner's children do not qualify. Commissioner Gfeller – Why wouldn't taxpayer status determine whether you are a resident or nonresident? Tymeson – Where you live, I understand your point, but it is where your domicile is, that dictates residency. Commissioner Gfeller – A resident taxpayer would have residence here. Tymeson – Yes. I don't know that is 100 percent true but in most cases a resident would have their residence here, but military folks might not if living out of state but home of record is still Kansas. Complex issues. The simplest would be if you live in our state you get a resident permit, another state a nonresident permit but we made that decision in the 1980s to accommodate landowners and from there it has been built. That is the direction we went as a state. Commissioner Sill – In 1980s all residents were in a draw, and it makes sense that a portion of those permits should have gone to landowners given

amount of private land we have. But when residents are over-the-counter I don't understand the need for landowner/tenant tags. I do understand HOL tags but in a sense, landowners and tenants are getting a break just because they own land in how much they pay for a deer permit that they are going to use on state land or someone else's land. That violates one of the ethical principles of those seven tenants of the North American model, the democracy of hunting. We are giving preference to landowner/tenants. That bothers me because things changed when we went over-the-counter and this should have changed then and it wouldn't be the muddy mess it is. It would be nice if we could have resident tags, HOL tags and nonresident tags. That landowner/tenant thing is a pickle. Chairman Lauber – I agree need doesn't seem to be there and someone who has land in one county can apply for landowner/tenant price and that permit is good everywhere. Politically it is going to difficult to push that through the legislature because there is a push against deer haters that they should get them free because they feed them. I would rather leave that alone even though I agree with what you are saying. Commissioner Sill – I understand. Tymeson – I want to point out that prior to 2008 we had a lot of legislative angst over deer permits and deer damage and have had lots of legislators over last 13 years comment that the system is much better. Again, this was a house that was cobbled onto over 45 years and the objective of the task force was to simplify things as much as possible for people and an any-season permit, did that in statewide permit, and to protect the resource, things that wouldn't damage the resource. HOL permits are important if you live in the west and have mule deer and no whitetails on your property. There were a lot of things considered and the task force met for over a year and came out with a good product that seems to satisfy about 98 percent of people. Assistant Secretary Miller – The other thing we did on that task force was get rid of transferable permit so trying to accommodate landowners, by removing transferable permit we knew we were impacting resident opportunities with additional nonresident permits so we want residents to have more flexibility, that is why the statewide permit came about. Statistics show most people hunt close to home but did give them more flexibility. In reference to Lauren's point, I don't disagree but we have always given landowners a break because of potential deer damage and we want them to accommodate the deer, they do provide habitat and food for deer and that sentiment has never gone away with those half price permits. It would be simpler if we just had resident and nonresident HOL, I agree. Commissioner Sill – I can accept that. It does get confusing for folks and complexity when looking for simplicity. I do understand reasons behind it. Commissioner Sporer – How has staff proven ownership and tenants right to hunt? Are you requiring any documentation? Tymeson – In relation to law enforcement and how they prove it. When I started out with the department people had to fill out a sheet that marked down their tenancy and ownership and they had to carry it around. I remember friends I deer hunted with had a giant piece of paper the first year I was here when Secretary Williams was here. They made a decision to do away with that requirement. In the early- to mid-2010s there was concern from folks there was fraudulent activity and we came up with a plan that law enforcement would check 25 percent of HOL with landowner/tenant permits and start doing some random stuff on the back end. We had no expectation of folks who were selling the licenses in locations we didn't control would be enforcing that. We didn't want to put it on the bait shop you went to buy your deer permit. Also, understand where we came from and where we are with deer populations, a lot of those changes came as deer populations rose significantly in the late 1990s. More availability of permits, you used to have to go into one of our offices to get a HOL permit, then they became over-the-counter. We do have ways to check those and do randomly spot check them. You can always go back and reference land records, FSA documents and tax records and things like that.

Secretary Loveless – A year ago I was out with some members of the department hunting pheasants on a Saturday and we were checked by one of our law enforcement officers and had a great conversation at the end. I asked what we could do to make you more efficient or more effective in your job and he said, simplify these deer regs, so everybody wants to do the same thing. Our law enforcement folks have a unique perspective because they're the ones out in the field and Chris works hard to help them manage it but they are the ones tasked with navigating this and doing a good job. We have Greg Kyser, our acting Colonel on. Greg Kyser – Lifelong Kansan, and when I grew up it was much more simplified than what it is now. It is extremely difficult for people in the law enforcement division to deal with this. When we are sitting here now trying to decipher all of this, it is difficult for my people in the field. The biggest thing is the tenant situation, that is where a lot of people try to screw the system, they don't have a real financial interest in agricultural aspect of it, for instance they take care of the fence, we see that all the time, hard to explain. We've got a lot of people coming from out of state to buy deer property and we see a lot of tenant situations. It makes it difficult for my people to try and enforce that. If we could at least do away with tenant aspect that would help. Commissioner Gfeller – What would be downside of that, why couldn't we eliminate the tenant provision? Tymeson – People in LLC wouldn't be able to hunt their own property unless they got a general permit. Commissioner Gfeller – What if a member of a LLC would qualify, that is simple solution, be a member of an LLC, maybe limit the number of members. Tymeson – Again, they are not the tenant, the LLC is the owner of the property. Commissioner Gfeller – If you eliminate the tenant provision and have a landowner provision. In case of LLC that owns land, members of that LLC would be landowners, not tenants, eliminate that connection. Is there a downside to that? Tymeson – We have to go back to the basis that we don't issue permits to non-individual legal entities. Commissioner Gfeller – Could we if we change the regs? Is that a legislative change? Tymeson - Statutory change. I think you run serious risk taking this statute into the legislature. Chairman Lauber – I concur with that. I understand what Colonel Kyser says, but law enforcement does a reasonable job in ferreting out those that are gaining the system and I would hate to tell the legislature that we want to eliminate tenants. Whether or not it hurts anybody or not the theory would cause instant gut reaction from legislators of being negative. Commissioner Sporer – To register a vehicle you have to have proof of insurance before they will give us our tag. If you went to landowner/tenant tags only online and they had to provide the deed or W2 or 1099 for the tenant and paid staff in Pratt could visit all this and allow the tag. Hard for me to believe you can walk into a bait shop and buy a landowner/tenant tag and be legal in Kansas. I can see the problem with law enforcement and then are they really on the right piece of land. Chairman Lauber – If landowner/tenant resident they don't have to hunt on their own land. Tymeson – There is the balance of availability of permits and trying to be customer friendly. There is some customer fraud, but as a basic premise you also have to understand there is fraud in every system, no matter how you do it. Law enforcement does a great job in making sure complaints we receive or random checks catch up to those individuals. There are individuals who legitimately own land who are buying the wrong permit because they don't understand the legal entity part and those are the people we try to help and the people who say they fix fence and that makes them a tenant we catch. There will always be fraud no matter what we do in every system. Commissioner Sill – Is there a way we can better educate people. Some of this is by mistake, some of it is fraud from people they know. Is there not a way we can do some education? I don't have a good suggestion, but a pamphlet when they buy their tag. Part of this is ignorance, part is fraud, some education might help with a portion of it. Chairman Lauber – I would say anything

we could do other than try to bring this back to statutory amendment. Commissioner Gfeller – Agree with Commissioner Sill. It seems to me it is so confusing and I think that is what you are trying to communicate. This thing has evolved over a number of years where we have tried to accommodate this and that issue and now it doesn't fit together very well and there is a lot of confusion and unintended fraud or wrongdoing. Because it is confusing, it makes it more difficult to identify fraud. If the discussion is, would we like to see you bring some proposals to simplify and tighten up definitions I am all for that. There are all kinds of suggestions from people, don't how many are statutory changes and how many of them we can do. For example, the 80 acres and there are 16 heirs that a party to that and they are all nonresidents, you get 16 permits potentially. Chairman Lauber – I don't think that is true, you get one permit per 80 acres. Commissioner Gfeller – People don't understand that and I'm sure there are situation where you have two permits issued per 80 acres. I am all for simplification and streamlining it and all for listening to what law enforcement has to say about what would make their job easier. I don't know that I have any good solutions. Assistant Secretary Miller – this came out of law enforcement division, a suggestion that mirrors what Iowa does, is to have a landowner/tenant register with department; a landowner or tenant that would qualify for a landowner/tenant permit would register one-time with the department with proof that they own land or had enough acres to qualify. From then on they would be in our system and could purchase a landowner/tenant permit. I don't know logistics of that type of program but it potentially take burden off law enforcement. It wouldn't allow somebody to go into Walmart, say they have 80 acres and get a landowner/tenant permit. They would have to be in the system to be able to qualify. Chairman Lauber – And we would not have to bring this before the legislature. Miller – I don't think so. Chairman Lauber – A thought to be looked into. Tymeson – Take you back to beginning of comments and the task force Mike and I were on, we were in the legislature working that bill, statutory language is constraining and in order to be flexible and nimble regulatory language you vote on is much quicker method to getting things done, it may seem like it takes a lot of time. But compared to statutory enactments it is much shorter. We came up with this plan, worked on it for over a year, we went around the state until we had a finished product, we talked about it with people, made tweaks and then went to the legislature. Essentially we were going to try get rid of this statute and enact what was in the written plan in regulation. The legislature came back and said we don't trust you so put it all in statute. That is the reality of it, while we would like to be a little more nimble and flexible on some things and work on things that are problematic, we have what we have and we have to work within those bounds. Commissioner Sill – Are you saying we can't do something like what Mike mentioned? Tymeson – No, I didn't say that. That is something we can entertain. I am just pointing out the difficulty when people say we should get rid of things or do things and sometimes it is a lot harder than it appears. We almost lost our entire body of work over one legislative meeting. Commissioner Sill – I appreciate that. I don't want to underestimate the challenges of legislative issues. I am sensitive to Kansas resident hunters and the situations they have mentioned and want to be an advocate for them. Just try to pursue and encourage us to think about other options. I know it is difficult for law enforcement and they are pretty important otherwise our regulations aren't worth much if we don't have help on that end of things. Commissioner Gfeller – Where do we go from here? Chairman Lauber – Don't know where we go from here, wait for staff to make recommendations. Jason Wenzel, Wichita KBA member – It seems like we are trying to reinvent the wheel and was wondering if there might be other states that might have successfully navigated this process as a model to consider. Chairman Lauber – Take under consideration.

11. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley – Levi Jaster, big game biologist, presented these regulations to the commission (Exhibit V). This regulation covers Fort Riley, Fort Leavenworth and Smoky Hill ANG to allow flexibility for their planning for their needs to push as late as we can. Because of those needs the sometimes need alternate dates to our statewide seasons. Smoky Hill ANG personnel requested to have deer hunting season the same dates as the seasons established in KAR 115-25-9. Unit 4 is their unit. Fort Riley personnel requested the same seasons as those established in KAR 115-25-9 with the following exceptions: additional archery days for individuals authorized by Fort Riley, September 1-12, 2021, and January 1-31, 2022; additional days of hunting for designated persons (youth and people with disabilities), October 9-11, 2021 and that would replace pre-rut; so, no pre-rut firearms season for antlerless white-tailed deer; firearm season dates, November 26-28, 2021, December 18-23, 2021, and December 26-28, 2021. The same number of days as the statewide season just different dates. They do not want the extended firearms antlerless only season in January. Fort Leavenworth has requested the same deer hunting seasons described in KAR 115-25-9 with the following exceptions: the open firearm season November 13-14, 2021, November 20-21, 2021, November 25-28, 2021, December 4-5, 2021, and December 11-12, 2021, again same number of days as statewide season just different days; and an extended firearm season for antlerless-only, white-tailed from January 1-23, 2022 and an extended archery season for the taking of antlerless-only, white-tailed deer shall be from January 24-31, 2022. A deer hunter may use one antlerless-only white-tailed deer permit in Fort Riley. I have a correction from what is in the briefing book. Fort Leavenworth wants to use up to five antlerless white-tailed deer permits and Smoky Hill ANG also requested up to five antlerless-only white-tailed deer permits, same as Unit 4. A deer hunter may use up to five antlerless-only white-tailed deer permits, which is the same as Unit 4 that they are located in. We will workshop this a couple more times with public hearing in June. Chairman Lauber – We let military installations call their own shots.

### **C. Workshop Session (continued from afternoon)**

1. Big Game 4-Series Regulations – Levi Jaster, big game biologist, presented these regulations to the commission (Exhibit W). I have a last minute addition to this because of inclusion of e-tags. In 115-1-1 in definitions, number 63, where we list transfers, item (C) is “to carry another individual’s license, permit, or other issue of the department when that individual is not present.” We are wanting to strike that out of that definition because of e-tags because if somebody holds a separate account on a phone, such as me holding one on my phone for my wife, parent or children, it would be illegal, so striking that would be the change. Chairman Lauber – This is in 4-series? Jaster – It affects the definitions in 4 series, this is 115-1-1. This was brought to my attention yesterday. Counsel Tymeson – This is actually an issue raised by law enforcement pointing out that as we went to electronic licenses some folks could be unwittingly unlawfully in possession of someone else’s permit. Jaster -KAR 115-4-2, general provisions for big game, last year we modified proof of sex for antlerless deer and elk to allow hunters to voluntarily help prevent spreading chronic wasting disease (CWD) by leaving parts of carcasses in the field. Additionally, we made some recent changes allowing e-tagging of big game. We are not proposing any changes this year.



On 115-4-4, legal equipment for big game. Last meeting, we discussed large caliber airguns and the Federal Firestick system as potential muzzleloading equipment. So far we are not proposing any changes for this regulation. Chairman Lauber – In discussion you make a good point about large caliber airguns not being Pittman-Robertson and so on, but in discussion about the Firestick one would almost assume the department was in favor of this because it provides a lot of the benefits that the Firestick has. But you are saying you don't recommend the use of the Firestick? Jaster – Where we left off last time was the department didn't have biological reason to support or oppose placing the Firestick in muzzleloading equipment. If I recall correctly the commission decided to let it go. Chairman Lauber – That is probably the case. I think we will be reviewing Firesticks every year from now on. There may not be much support for it but do any other commissioner have thoughts on this? Jon Zinnel – I spoke multiple times. I represent and work for Federal which is the manufacturer. I wanted to give our thoughts and opinions for support a look at the regulation and updates for the Firestick system. We have several other states have made the change for 2021, Missouri has and will be ready to roll for 2021 season, a bill in Minnesota and Indiana is open for public comment as well as Texas and Alabama and Florida and many other states. As far as we are concerned and I can speak on behalf of Traditions and Hodgdon Powder, some partners within this project, we support it and appreciate the opportunity to voice our support of the system. Jason Dickson – There are some comments in Chat that I will pass along. Commissioner Sporer – The whole concept of firearms for deer season, what we used to have was black powder, then we started shooting long rifles, you could either way, we could say we are going to stop evolution or get in line and go with it and let them have Firesticks. I don't know which way to go on it. If everyone wants to have a Firestick, let them have it. We really just don't know. Commissioner Sill – One of my concerns, and I realize people from the public now are speaking up, but when we have manufacturers and their representatives that request regulatory change to promote a product I think that sets a precedent I am uncomfortable with. Joel Hodgdon – Yes, my family has done some work to bring this product to market but I would say we are first and foremost Kansas residents and hunters. As an individual and a hunter, I am not here to speak on behalf of my family or our company, I am here to speak on behalf of myself and using a product that I genuinely believe is safer and more effective. I see your point and wanted to address that.

115-4-6, deer management units. A couple of things came back from the Department of Administration, some updates. Discussed changes to DMU 19 boundary, US-73 to the Kansas border, that would change to federal highway US-73 to state highway K-92, then K-92 to the Kansas/Missouri state line (Exhibit X). That changes because the unit wasn't a complete polygon by using US-73. A couple of other changes are updating names of roads of boundaries. One would affect deer management unit (DMU) 5 and 17, changing name of federal highway US-156 to State Highway K-156; name change for DMU 10 and 11, from State Highway K-150 to Johnson County 135 Street; Unit 19, road listed as South Topeka Boulevard is South Topeka Avenue. Boundaries are not moving, other than change to get to state line, changes are names only.

115-4-13, deer permits. Chris gave a nice talk about landowner/tenant permits. No proposed change to this regulation. We will be continuing to not issue any either-species, antlerless-only permits like we have done in the past few years because of concerns with mule deer.

2. Deer 25-Series Regulations – Levi Jaster, big game biologist, presented these regulations to the commission (Exhibit Y). In 25-series we set season dates. One thing that ties

back to discussion this afternoon on youth, is considering change to the designated persons youth and disabled season for deer. Currently it is 16 years of age or younger and potentially as Jake showed there are several options, 17 years of age or younger (under 18). I threw some numbers together (Exhibit X) to show how that would affect. If we change from 16 and under to under 17 (2019 season data), hunters born in 2003 there were about 10,600 of those hunters and some of those hunters probably turned 17 before the season because assuming anyone who qualifies for a youth permit bought a youth permit, those 16 and under that bought a youth permit was almost 9,000 whereas the number of hunters 17 that year was almost 1,500 and assuming births are even across the year, which isn't quite true, you had to be 17 before or would have turned 17 during it would give you 977 that would have been able to hunt. Potentially that change would affect about 2,600 hunters. Based on estimates participation during youth season was about 1,500 total hunters, some were probably disabled. Just an idea of what it would change if we add a year of eligibility. January whitetail antlerless-only seasons, proposing a 9-day, a 16-day or a 23-day. We are going to look at population harvest to determine what units would fall within those. The units within each season will be set by spotlight population survey being completed right now. Proposed dates for 2021-22 season are: youth and disabled, September 4-12, 2021; early muzzleloader September 13-26; archery September 13 through December 31, 2021; pre-rut firearm whitetail antlerless-only (WAO) firearm will be October 9-11, 2021; regular firearm, December 1-12, 2021; first extended WAO, January 1-9, 2022, second, January 1-16, 2022, third, January 1-23, 2022; and extended archery (DMU 19), January 24-31, 2022.

#### **D. Public Hearing**

*There are no public hearing items.*

### **XII. OLD BUSINESS**

*None*

### **XIII. OTHER BUSINESS**

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

March 25 – Topeka, Shawnee Parks and Recreation Reynolds Lodge at Shawnee Lake, dump location and go to virtual

April 29 – Beloit, Rolling Hills Electric Cooperative, (plans to try for tour of Ring Neck Ranch)

June 17 – Wichita, GPNC

August 5 – location TBD

Secretary Loveless – For June, Sheila do we have to make a financial commitment for that location in Wichita? Kemmis – It depends on where we choose. Some sites do require a deposit, some don't. If we go to the Nature Center, where we usually go when we go to Wichita we don't pay because our office is there. Secretary Loveless – I recommend we focus on that location to give us maximum flexibility and to save money and it will be easy to get out of that commitment if you want to go totally virtual. Chairman Lauber – The problem with going to live meetings is that the virtual meetings are working so well. In fact, better than I thought they would. Getting

more public communication and input and I'm not sure that they aren't more effective. Secretary Loveless – The hybrid, as we have discussed before, is nice option to consider well into the future. Chairman Lauber – I think so too but will put extra work on Jason but he is up to the task. Secretary Loveless – He has broad shoulders. Jason Dickson – Going through some different scenarios in IT on how we would perform that hybrid meeting. Assistant Secretary Miller – Sheila, book the Great Plains Nature Center now to get that date. Kemmis – I will.

Commissioner Sporer – I want to go back to the influx of out-of-state hunters on public lands. Several questions came up about what we are going to do. I don't think we want to go through another year like we did this year. I have written down things we can do, reduce limits, Canadian goose limit is six and that is too much, should be three; reduce nonresident waterfowl hunters to a certain number of days; not allow nonresidents the ability to purchase youth or veteran hunts. The idea of allowing them to hunt our public lands for an additional fee is also an option. The question of Chris is, is it even possible to increase out-of-state hunting licenses through the legislature? Counsel Tymeson – I will have to look at the caps, so we are capped in statute at a certain level and we raise those fees through regulation within that cap. I don't have it in front of me and I will look after we get off to see what level we are at versus that cap. If we have capped out we would have to raise fee caps in statute in the legislature, a bill we have been talking about for several years. On some of those fees we hit the caps in 2015 but I don't know specifically about nonresident hunting licenses. Secretary Loveless – We have been working and met a fair amount of resistance in the legislature. My perception is, most of the resistance is around any thought, however modest, of resident increases, not nearly as concerned with nonresident increases. Has that been your experience Chris? Tymeson – Yes. Also, there are legal constraints as to constitutionality of setting fees and resident and nonresident disparities have to be kept in mind as well. We can't just price nonresidents exceedingly high compared to what residents are; ten to one ratio is an acceptable standard. That goes back to litigation in the 1970s with Montana that went to the United States Supreme Court. Then there is some other commerce clause litigation that occurred in the early 2000s, Kansas was part of some lawsuits then. We have to balance all of that when we take a look at increasing nonresidents. Chairman Lauber – As a general rule you raise pricing to reduce volume but I'm not sure if we raise pricing whether that will solve the problem. If the hunting is that good they may pay it. Commissioner Sporer – Us a commissioners and paid staff with the agency we can ask ourselves, do we want quality or quantity. What is going to happen is that Missouri, Oklahoma and Nebraska are going to tighten up their out-of-state regs and we set our hands and don't do something to tighten up ours the problems we are having with pressure we will get them all. I am deeply concerned with other states tightening up their regs to help with problem we have had this year and then we don't do anything. I am very concerned. I would step out and say seven needs to go to three and 12 needs to go to six. We have had poor upland game numbers for years and maybe we need to start thinking about some of that. Chairman Lauber – I understand and I am not against it but I just don't know if raising the prices is going to solve it as much as restricting the numbers and I don't know how you would do that. I guess you don't have the issues of disparity and cost if you restrict the numbers. Secretary Loveless – I recommend being careful about restricting numbers, we have a good tradition of basing harvest numbers on the best science we have. I would caution us against using that to discourage people from hunting. There are things other states have done to restrict numbers, we could raise prices, and we have done that for nonresidents. Some states have been referenced and you hear by some of the comments have a system where nonresidents

need to apply. It is not over-the-counter for waterfowl, South Dakota is one they mentioned, they regulate and limit the number of nonresidents that come in. That is step to clearly make decisions about limiting that to reestablish this balance. I would encourage us to follow the good science, talked about trends of increasing numbers of nonresident waterfowlers, but encourage you to have staff dig back and look at trends and compare what other states are doing with these trends and their management practices and limitations like we have discussed tonight. Try to figure out what works and what doesn't, what is a factor of COVID and increases we have seen versus if there is a long-term trend going on in Kansas. We can provide numbers about that and have that analysis for the next meeting. That is what we are good at and I recommend you allow us to do that background checking for discussion next time. Chairman Lauber – That is fine. I think it is a problem and I don't have an answer. Commissioner Gfeller – I don't dispute that it is not a problem, it is clearly an issue and we are getting a lot of feedback. The idea of needing more information, I would support. I hear two primary themes around nonresidents, 1) nonresidents and outfitters who cater to nonresidents are leasing up or controlling a lot of private land which is driving residents to the need to hunt on public land; and 2) also hear nonresidents are flooding public lands as well, not sure if both or one or the other. That would be helpful to me to begin to get a handle on that so we know which problem is more acute to help establish priorities. Chairman Lauber – Troy, from your experience is there a lot of guides in the middle of this making it worse? Commissioner Sporer – The guides are certainly part of the issue, I heard guides from Great Bend were scouting clear out in Ness and Trego counties and more guides in Kirwin, Norton and Alma, Nebraska area coming in, new guides that weren't there in past years. So, yes, one aspect of it. The state of Kansas has always been proud of the fact that outdoor experiences are really good and they are and that is why all of a sudden we are experiencing problems we are. The suggestions I brought up about reducing limits, increasing fees, limiting amount of days they can hunt; we got to start some place. It is not going to end. Out-of-state guys are coming into reservoirs and hunting daylight to dark, they don't let the birds rest and when they are not hunting they are hunting for place to hunt. When we hunt the water, we hunt until 10:30, pack it up and let the birds get in there and get rested up so we can have a quality shoot the next day but these guys aren't doing that. They are not respecting the outdoors the way Kansans have. That is my biggest pet peeve, they are not playing fair and you feel like you have lost what you have. I am concerned that if we don't start something and do something we are going to get bombarded again next year and the year after that. When Missouri tightens up their days, we are talking about people from the Carolinas, Tennessee, a group of hunters at Cedar Bluff from Louisiana and Texas and they were there from Thanksgiving to the end of the season, hunting public and private. They put a lot of pressure on our resource. Chairman Lauber – Hunting with guides? Commissioner Sporer – You can't tell. As Chris mentioned, you would like to think that, but four jacked up pickups and four long trailers full of decoys and they are just guys like me. I am not going to say that I don't know. They sure got a lot of equipment and a lot of nice stuff and a lot of time off. Secretary Loveless – One other comment. I appreciate sentiments of commissioners and public that have commented. One other thing to bear in mind is we think about solutions, and we need to think about economic impact because if legislators were on this call they would be bringing that up. How are the changes you are proposing going to affect livelihoods of people who depend on it and they won't be thinking about nonresident guides, thinking about people run hotels, private campground and selling dinner to these folks. Bear that in mind as we talk about solutions that work for everybody, we have to think about that impact too. Commissioner Sporer – At what point do you protect the resource? At what point is

it over ran and there is not a resource there. What happens when pheasants are gone, deer are gone and there are no ducks. What about the resident hunters, the 14-year-old kid who wants to go out hunting and there is no hunting to be had. At what point do you protect the resource? I've seen so much this year that it is just unbearable to see what they have done to the area. Sure, they bring a lot of money in but at what point do we just start putting up bird pens and raising birds like South Dakota? Secretary Loveless – You are absolutely right, to be sustainable we have to balance all of that out but I don't want us to be naïve about the feedback we will get from legislators so we have to come up with a sustainable solution that works for the long run. I think we are all on the same page. I wanted you to be aware of what legislative concerns would be. Chairman Lauber – Staff think about this and have this discussion at next meeting. Secretary Loveless – We will do that. Assistant Secretary Miller – Tom Bidrowski has a lot of information on the number of nonresidents, the number of those that have purchases state waterfowl stamp; public lands staff have the check-in system, iSportsman, and they can give us some good figures and that is a good place to start. Just for information, I looked up the statute, our fee cap on nonresident hunting licenses is \$125, we are at \$95 right now. Commissioner Gfeller – Are you suggesting waterfowl only or deer and waterfowl because those are the two areas I get most of the feedback on? Can we look at both situations? Secretary Loveless – We can. Remember we do have limits, have caps on nonresident deer permits and run up to those each year. That is one of the big differences, no caps on nonresident waterfowl permits we allow. That is why this year the numbers swung way high. One of the things to think about is the resource and you folks aren't naïve to this, we have a deer herd that resides in Kansas, waterfowl are just passing through. There are some anomalous factors besides COVID this year, the northern border of Canada was closed, some hurricane problems affected habitat down in the Gulf states that are typically big waterfowl areas. There are some interesting things going on and it would be naïve for us to dismiss this and not look at long-term trends. We will be glad to give you those numbers and bolster a healthy conversation going forward. We have lots to think about because we do have to look out for our resident hunters, concerns about R3 we have been talking about, bringing in people and allowing young people to have a quality hunt and experience and start to nurture them. Critical aspect to our long-term planning. Commissioner Sporer – Not saying we need to go out on a limb, but we as a commission need to think about not allowing nonresidents on special hunts, youth and veterans and not be allowed to go into a mentored area. Change the limits a little, goose hunters around all say six Canada geese is too much and I agree. The outfitters like the six but everybody I talk to says three is a good number. Go ahead and take nonresident fee from \$95 to \$125, that is not a big deal; maybe start limiting how many days they can hunt in the state. There are things we can do that is not going to raise the eyebrows of the legislature. There are small tweaks we need to start doing to protect what we have or we won't have it. Start looking at this. Chairman Lauber – Review at next meeting.

#### **XIV. ADJOURNMENT**

Adjourned at 8:08 pm.