

**Kansas Department of Wildlife, Parks & Tourism
Commission Meeting Minutes
Thursday, June 17, 2021
Great Plains Nature Center, Wichita, KS
and Virtual Zoom Meeting**

Approved Subject to
8/5/21 Commission
Approval

The June 17, 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, Aaron Rider, Lauren Queal Sill and Troy Sporer were present. Warren Gfeller attended via Zoom.

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 – Revised agenda was distributed in briefing book, however I put the wrong title for Ben Neely’s presentation, the new added item No. 3 under General Discussion, it should have been “Overview of Length and Creel Limits as a Fisheries Management Tool,” instead of “Youth/Mentor Fishing Locations,” which Doug will cover under “Fishing Regulations.” It is correct on the revised agenda on the table and the revised agenda online. (Agenda – Exhibit B).

IV. APPROVAL OF THE April 29, 2021 MEETING MINUTES

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

V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Brad Max (Zoom) – Thank you for work on Parks throughout the state. I live in Kansas City, Missouri, and have camped at Cedar Point in Milford State Park for seven years. Thank Linda Lanterman and Nadia Reimer for providing information on reconstruction project at Cedar Point. A group of us are very interested in the reconstruction because we consider it one of the best campgrounds around. We return to it whenever we can to enjoy shoreline camping sites, especially on the west, spectacular sunsets, great fishing and more. We are aware that there are challenges of funding and design to the project but hope to see camping sites restored to the way they were before 2018 flooding with shoreline sites on the west, sites further up the hill and sites on the east. Linda and Nadia have been helpful in sending us concept designs and patiently receiving our input on the project over the last two years. We think you would agree that public projects deserve public input along the way so the end result is something everyone can support. The last we heard, two months ago, was that the department was working with two federal

agencies and KDHE to get approvals. We assume the approvals are of something, a design concept, plans or something, but we haven't been able to get what that is. Once again we are asking to see whatever design it is that is the subject of request for approval. If we wait until the approval process is complete, as suggested, it will be too late for the public to have any affect and give input. We are asking to see the design concept or plans the department has as of mid-April. If there are more recent design concepts or plans we would like to see those, as well. In our view Cedar Point is the jewel of Kansas park system, which says a lot, in large part because of the west shoreline camping sites. I camped there last week and heard that from other campers there. We want to help the department restore the campground in a way that most benefits the public. Linda Lanterman, Parks Division director – Thank you Brad Max. You and I have talked many times, and we do not have that final design yet but we have put to the engineers your concept but I have not seen the final design. Keep in mind that we have to get approvals no matter if we have a final design or not so we are working on approvals before we get that final plan. As soon as we have it you can see it, as well as others who will be reviewing that.

Dr. Jackie Augustine (Zoom) – executive director of Audubon of Kansas – As you know there is a statute of 1903 that allows counties to poison prairie dogs on private landowners land and charge them for it. There is also a plan proposed by KDWPT in 2002, the “Kansas Black-tailed Prairie Dog Conservation Management Plan.” I was wondering if there has been any movement on prairie dog conservation and management in Kansas. Secretary Brad Loveless – Had a lot of conversations on that, both in nongame committee and talking with U.S. Fish and Wildlife Service, Kansas Farm Bureau and Kansas Livestock Association and staff are planning a trip in the fall to Colorado. They have had a different experience with prairie dog management and black-footed ferrets, so planning trip to include any stakeholders who want to talk to our counterparts to find out about their experience and how they have managed it. Everyone is invited to go so we can learn things and see if there are some things we can incorporate in Kansas because they have a less contentious approach. So, we are hoping to learn from them and advance this cause. We understand prairie dogs are a keystone species on the prairie and black-footed ferrets are part of the healthy population, as well, so we are trying to advance that subject.

VI. DEPARTMENT REPORT

A. Secretary's Remarks

1. Agency and State Fiscal Status Report – Brad Loveless, Secretary, presented this update to the Commission – Good shape in terms of fiscal status. We finished 2021 legislative session in good shape, in terms of budget, we maintained our submitted budget with one change, \$50,000 that was to come from the Kansas Water Authority to help fund aquatic nuisance species work; we currently we spend \$200,000 a year to minimize the spread, which is enormous to fisheries but also enormous in terms of any public water supply users, drinking water as well as industrial water; and yet nobody else in the state spends any money on it except for license buyers. That is imbalanced. They agreed that money should be put in the budget, it was put in and the legislature took it out of their budget and says the agency has to pay it, all will come from us and none from drinking water users. We will try that again. Our EDIF lottery apportionment will go down to just over \$3.5 million because as Tourism moves back to Commerce, they will take that apportionment we gave them with them to help them when they

get to Commerce. Parks revenue finished FY 2020 up 36 percent and since then we have seen an increase every month up to and including this month, even better this year, which is so very positive. This year had second highest May revenues on record, just over \$1.7 million; parks staff are doing a great job and people are coming out in droves. Cabin revenue also up 10 percent from previous year. Wildlife Fee Fund was up about 22 percent from this time last year. The balance at end of May 2020 was just shy of \$22 million, and it's just over \$34 million at end of May this year. Federal funds, we expect huge sales of outdoor recreational gear and those taxes come back to us and we can leverage that as long as we have state money to leverage. Expect Pitman Robertson (PR) to go up \$1.7 million and Dingell Johnson (DJ), fishing funds, we expect to go up just under \$1 million, from \$5 million to almost \$6 million. That news continues to be good and our folks are excited and energized and trying to do things they haven't had funding to do in the past. We do have to leverage those federal funds with our own funds so we will again be working with the legislature next session to try get the fee caps raised and trying to figure out an effective way to make that argument. We will definitely engage our constituent groups around the state to make sure legislators know we are depending on those increased fee funds. Chairman Lauber – The ammunition inventory in Kansas is virtually nonexistent and I am assuming that is leading to dramatically reduced sale of ammunition from which the PR tax is attached. Do you think that will have any material effect on us and other states? Secretary Loveless – My understanding is that production is up as high as it has ever been, but it is flying off the shelves so sales remain high. One of our concerns is there is enough out there so people can hunt. People are buying larger amounts when they can find it and tend to hoard it. Still hope people can go hunting and that is not a detriment. Sales are going on at high levels but supply hasn't caught up to the demand. Chairman Lauber – We try and get a lot of youth to hunt and if someone wanted to go squirrel hunting with a young person with a .22 rifle, good luck on finding any ammo. Like me, and other hoarders, I probably have enough to last my lifetime but if you wanted to go buy a box you couldn't find it. The same way if you wanted to buy a box of 20 gauge shells for waterfowl, you can't find them. Secretary Loveless – Anyone have any update to shed light on this issue? Jake George, Wildlife Division director – I reiterate what you said.

2021 Legislature – Chris Tymeson, chief legal counsel, presented this update to the Commission (Exhibit D) – The first year of two-year cycle, consider legislative session fairly successful, we had quite a few initiatives we got through and we pushed aside some things we didn't want to happen. SB 101, dealt with e-bikes, which we discussed over the last several meetings; it would have allowed local regulation dealing with e-bikes. It had no impact on the department, but we were following it. There were two versions, both the same, House and Senate, and neither passed. SB 142 deals with coast guard-approved personal flotation devices and we needed to update the statutes to accommodate the change in federal law. Dan will cover part of that later. SB 145 allowed the Kansas department to purchase land near Kingman Wildlife Area. The bill went through the Senate, didn't go out of the House and ultimately was placed into an appropriations bill and we will be able to purchase that piece of property after five years of trying. SB 159, joint claims against the state, has a provision dealing with paying back an individual \$16,001 in relation to a set of antlers. Also, in that conference committee report, that was where the Kingman land purchase was. SB 160, updates reference to American Fisheries Society (AFS) guidelines and statutes in relation to illegal commercialization. That passed and at the time I drafted this it was still in Conference Committee. SB 225, Kansas police and firemen's (KP&F) retirement system, this would have placed our law enforcement officers in KP&F

retirement. That did not pass; it had a hearing but got no further action. SB 236 established the semiquincentennial Kansas commission, that deals with tourism but now they are departing from the department and moving over to Commerce. No action. SB 269, dealt with sale of dangerous regulated animals; a topic we have dealt with over the last 16 years. The bill had a hearing with no further action. ERO 48 – transferring the Tourism Division and the office of the director of Tourism from the Kansas Department of Wildlife, Parks and Tourism to the department of commerce and becomes effective July 1, 2021. HB 2025 dealt with entering private property by law enforcement officers. It started out with a provision that dealt with noxious weed employees of counties and was also directed at us and we couldn't go on private property without a warrant. There was a second section pertaining to all law enforcement – sheriff, police, us, and KBI – that dealt with cameras on private property. That bill moved out of committee, went to House floor, got sent back to committee and they struck the language in the second section of the bill and the portion dealing with noxious weed employees; sent it back out and it died on the House floor. It would have prevented law enforcement officers of the department to go on private property without a warrant. HB 2032 dealt with use of artificial light and would have repealed our coyote night hunting actions. No action. HB 2087 dealt with regulations and it would have changed the process in order to streamline the process. That bill made it out of the House, out of Senate committee and is still on the Senate floor. It is an exempt bill. HB 2089, a gut-and-go and went into a substitute bill. It would have required schools that are going to use firearm safety education; in middle school you could either use Eddie Eagle or KDWPT Hunter Education programs and in high school it had to be KDWPT Hunter Education programs. That bill passed the House, passed Senate, vetoed by Governor. HB 2263, we covered on e-bikes. HB 2284 would have given 50 percent discount for seniors at camp sites and cabins at state parks. No action. HB 2331 would have provided landowner and transferable deer permits. It saw no further action. HB 2336 would have made it unlawful to shoot a wildlife decoy being used by a law enforcement officer, made it a penalty in addition to others that can be written for such a violation. Passed House committee and was stricken from calendar. HB 2392, lifetime licenses would have been provided for any Kansas Air or Army National Guard veteran who served for 20 years and was honorably discharged. Had a hearing and saw no further action. Chairman Lauber – On SB 159, the claim for \$16,000, was that added into the bill? Counsel Tymeson – How joint claims bills usually work is there is a process; they come to joint claims committee, individuals can file claims and the joint claims committee has to recommend those claims for approval. In this particular case on this claim, it was filed at joint claims committee, they did not approve it and then it was added in the House appropriations committee. Chairman Lauber – For us to get the Kingman land purchase we were asked to pay an extortion fee of \$16,000. That is my words not yours. Tymeson – No comment.

Assistant Secretary Miller – I have a quick presentation, a 30-year service award for somebody you all know and have known for many years. She is the one that gets stuff done when we need it. I first met Sheila when she came on part-time in Information and Education. I have a 30-year service award and I would like to give to her here in front of this group and tell her how much we appreciate what she does for us every single day. A lot of times when people do things every day we take it for granted. We can count on Sheila and I count on her a lot and I think the Commission knows that too. She is a huge asset to our agency in a lot of ways. Congratulations.

B. General Discussion

1. 2022-2023 Turkey Regulations – Kent Fricke, small game coordinator, presented these regulations to the Commission (Exhibit E, PowerPoint Exhibit F). Start by discussion the 2022/2023 turkey regulations. We will talk about 2023 season dates as well as 2022 spring and fall bag limits, additionally, I'll be talking about youth season eligibility definition and handguns as legal equipment. The spring youth/disabled season begins April 1, archery begins Monday after first full weekend in April, and regular season, which includes all legal equipment, begins Wednesday after second full weekend in April. For fall, beginning in 2020 all legal equipment is allowed and season runs from October 1 to November 10. The 2022 spring turkey season was already set through last year's process. Youth/disabled is April 1-12, archery April 4-12 and regular season is April 13 to May 31. The fall season next year will be October 1 to November 10. We will be looking at 2023 and if no changes are made, 2023 will be the earliest the regular season can start. A couple of years ago we had the discussion about after this cycle we start taking bigger steps back, the third Wednesday and what that looks like after 2023. The fall season will be October 1 to November 10. At today's meeting I will present overall license sales numbers and at the next meeting for the workshop session I will present population levels and harvest levels. In general, we continue to see slow decline of fall turkey season. The e-licensing and e-tag was first available for fall 2020. We had 216 hunters used the e-licensing app. For spring note that 2020 was first year of reduced bag limits in Units 3, 5 and 6, northeast, south central and south east units in the state. We did see one hunting incident in 2020 in Washington County, a hunter was shot in the hand by another hunter. Overall number of permit buyers was up by 32 percent. As a reminder, due to COVID in 2020 the Governor issued an executive order that suspended the sale of nonresident spring turkey permits for the majority of the regular season. In terms of residents, from 2019 to 2021, there was an increase of 10 percent in resident permit buyers but this year we dropped back to 13.8 percent compared to 2020 numbers. Our nonresident permits skyrocketed from last year, what we would expect. This is the first spring season e-licensing and e-tagging was available for turkeys and 12,180 hunters used e-licensing to tag their turkey. There was more than that used, for example this only counts one hunter whether they harvested one or two birds. The last 10 years of license sales, by residency you will see big dip in 2020 because of nonresidents. In terms of overall trends in license sales for residency we are back on track to 2019 and prior patterns. On youth permits trying to standardize across game species and seasons. For turkey the youth permit we cannot change who can purchase a youth permit, that is in state statute and will stay the same at 15 and under, but the recommendation with other game species is going to be for youth season eligibility, currently 16 and under, recommending 17 and under to standardize to other game species. Last year during turkey process, we were requested to review the potential for handguns as legal equipment for turkey seasons. Currently the language in the regulation reads that we do not allow handguns as legal methods of take in either the spring or fall turkey season. Over the winter I did a survey of other state biologists to see what they were allowing in terms of handgun use. There is a lot of variation but in general terms, 15 allow handguns during a turkey season, but four of those in the fall only; 21 don't allow handguns in either season, including Kansas. In surrounding states, Missouri doesn't allow, Nebraska does, Oklahoma and Colorado allow in fall but not spring. In discussions in turkey committee, state biologists and people who knew we were reviewing this regulation and reached out; there were two categories of concerns, lethality related to distance of shots, handguns come in a variety of barrel lengths and in many modern handguns can shoot a

.410 shot shell in some of the handguns. There has been some concerns raised about lethality and how far you are from the bird and concerns about wounding loss. On the other side, there is potential use for increased use for handicapped and youth hunters. For example, if you are a disabled hunter or recently injured it might be much easier to holster a handgun than a shotgun to the shoulder. The state of Washington is also examining these similar regulations, the potential to expand legal methods of take to include handguns. They proposed the language, which notably talks about the use of modern or muzzleloading style handguns, but they identified the minimum barrel length of 10 inches to overcome some of those initial concerns with lethality and potential for wounding loss. That is an example of what is going on in some other states. Spring turkey harvest survey is out, ends July 1, then turkey committee meeting that meets internally looking at data and harvest strategy, each of the topics we discussed here and at the next commission meeting in the workshop session I will present population trends, fall and spring harvest estimates and recommendations. Chairman Lauber – Based on what I have seen in data you compiled, it appears fall turkey season is probably not material factor as far as numbers taken, see what statistics bare out.

Kris Kobach – Talked about this briefly in November meeting. Brought information on this topic, including a newer handgun, it is cased and unloaded, a Magnum Research big frame revolver, it is choked in medium choke, the chamber is three inches and I think the barrel eight or nine. Handguns have evolved over the last few decades as a method for taking deer and deer handguns have increased in variety of chambering and the ammo it is designed for. The shotgun handguns are evolving now, first it was the Judge and now evolving into a hunting gun and Magnum Research has a specialized .410 and it is choked in a modified choke. One of the issues brought up was lethality, if no choke barrel and very short barrel then it is going to spread the pattern really wide. I patterned this gun to show you at 15 yards, in a 3-inch, 7 ½ shell with 11/16 ounces, 15 in four inch circle and with Thompson you can shoot a much smaller 9-shot and my daughter huts with a TSS 20 gauge that is phenomenal, it has a dense pattern similar to what you see in a .410 longer gun. Chairman Lauber - Does this gun have a 10-inch barrel, like that one state is proposing, or how long is the barrel? Kovach – I can't remember. That state includes the chamber and that would definitely be 10 inches long, maybe 11. I would definitely urge you to move forward with this. Another way to do this is to simply say the size. There are some handguns for personal defense that you get little tiny shot and is not intended for hunting but this gun is. Fricke – There are some out there, this one does and also the Thompson Center does. Kovach – I believe the industry and both of these are fairly recent additions and the industry is moving in this direction and you will probably see more on the market. If you choke a handgun and chamber it functions pretty much like a .410 long gun. I actually have shot targets thrown in the air with these, too. If I had my arm in sling or something or disabled and I wanted to hunt I could use a handgun. Commissioner Sill – The weight on that is immense for youth or women or someone with extremity disabilities. Kovach – They designed it that way to reduce kicking. I urge you to move forward with this reg change. Commissioner Cross – Who is on turkey committee? Fricke – Formed 15-20 years ago, it is an internal committee comprising of public lands and private lands in the wildlife division; I coordinate and chair the committee and we have a law enforcement representative and the district biologist from the National Wild Turkey Federation. Basically, the way we designed the committee now is each of the divisions, both private lands and public lands has a representative for each region, statewide representative from law enforcement and the NWTF rep. Commissioner Rider – Like what we were talking about with i-Sportsman, do we have a video on how to e-tag a turkey or deer? I had a few

comments on that. One on the app? Assistant Secretary Miller - I believe we do, Jason Ott the former law enforcement director produced one and I think our current license vendor has one as well. Commissioner Rider – Is that on YouTube or on the department website? Fricke – I had a number of calls as well from hunters in the field that shot a turkey and couldn't figure out how to do that. A number of those had not gotten the app ahead of time or had downloaded it but never logged in, with any new technology you have to get used to it. Commissioner Rider – May be good to put those how-to videos out a month or two before, maybe on the Facebook page or something like that so it is right there on people's minds before the season begins. Assistant Secretary Miller – The right folks are here to take note of that, Megan and Jessica are here from Public Affairs and they will make a note of that.

2. Lesser Prairie Chicken Update – Kent Fricke, small game coordinator, presented this update to the Commission (Exhibit G, PowerPoint Exhibit H). – As many folks are aware the department has been involved in lesser prairie chicken conservation and management for a number of years. With some recent developments on the federal side we felt it prudent to give you an update on the current status. I will give you an overview of what a lesser prairie chicken is; U.S. Fish and Wildlife Service (USFWS) recently proposed listing; agency efforts; and focus on current and past research. Lesser prairie chickens occur across a five-state region, Kansas, Colorado, New Mexico, Oklahoma and Texas and the majority of the population is actually in western Kansas. The larger boundary is the historic range of the lesser prairie chicken and each different color shows different habitat types throughout the range. In the southwest we have the shinnery oak down in New Mexico and panhandle of Oklahoma and panhandle of Texas, to the west we have sand sagebrush prairie ecoregion primarily in east and southeast Colorado and western Kansas. In western and northwest Kansas and extreme eastern Colorado there is short grass prairie and CRP mosaic. Lesser prairie chickens are seen in the spring during and mating rituals a great sight to see, in March and April lesser prairie chickens do a dancing ritual to compete for breeding rights on leks, the males compete and the females choose which males to breed with. One of the primary issues we try to manage for on the landscape is nesting habitat because that is one of the primary limiting factors to populations. We talk about the need for shin to hip-high grass and more shrub cover. Population trends hit an all-time low in 2013. Annually we complete an aerial survey using helicopters throughout the range to develop population estimate and trends within each region. In general, in Kansas, shortgrass prairie in west and northwest looks good and we continue to see increases in short grass population; the mixed grass in south central Kansas is relatively stable and we see declines in sand sagebrush ecoregion in southwest Kansas and southeastern Colorado. The lesser prairie chicken has a long and storied history in federal and potential federal protection. In 1973, not long before the Endangered Species Act was finalized, there was a red book put out, lesser prairie chicken was one of 70 bird species on it. That book didn't have any regulations with it. For over 50 years, the lesser prairie chicken has been in discussions at federal level. Ramped up in 2012 and 2013 in terms of state efforts to keep it off the endangered species list. In 2013, states finalized range-wide state conservation plan, and it was listed by USFWS as threatened in 2014. In 2015, after being sued in a federal court, they repealed that listing. In June 2016, the lesser prairie chicken came off the list and in September 2016 they were re-petitioned to be put back on the list. Since September 2016, USFWS has been considering for listing. At the end of May 2021, the USFWS announced their intent to propose to list the species under the Endangered Species Act. One of the key pieces of information the USFWS used to inform that listing decision is the species status

assessment and this document was released at the same time as the proposed listing and overall it describes to the best extent possible, using the best science possible, species needs, what the habitat and current conditions are, what current threats are, current conservation opportunities are, overall species position and projects that forward in different scenarios to look at future of species. As a representative of Kansas, I was extremely involved with the development of this species status assessment and helping to ensure that the USFWS used the best research information available. This document found that lesser prairie chickens need large, contiguous landscapes; primary threat is habitat loss and fragmentation; current condition is 80- to 90-percent reduction of populations and available habitat from historic levels; and future conditions are that habitat loss and fragmentation are expected to continue, as well as impacts from threats like climate change. On May 26, 2021, the USFWS released their proposed listing, a 200-page document. Of particular note, the USFWS defined two distinct population segments. The shinnery oak in New Mexico and western Texas is geographically separated from the major part of the range. Based on that, as well as genetic separation, the USFWS defined a break point between those two population segments, Northern and Southern. The Northern population segment, which includes Kansas, was proposed as threatened but Southern section was proposed as endangered. As we move through the legal process we will have to define which prairie chicken population we are talking about. The population that contains Kansas is proposed as threatened, which is what it was in 2016. The USFWS has proposed a 4(d) rule, which includes exemptions that may be considered for take once the species is listed. Currently as proposed, that includes routine agricultural practices and as long as you do not break out additional land, still prohibited to go from native prairie to cultivated or row crop agriculture, if already in row crop agriculture then good to go. There is also an exemption for prescribed fire, especially in eastern part of lesser prairie chicken range, like the Medicine Lodge area and eastern portion of short grass area, woody plant encroachment is increasing and prescribed fire is an important management tool. There is a 60-day comment period that ends August 2. The department, with state and conservation partners, anticipates commenting on the proposal. There are also a couple of online public information dates the USFWS has set up. There always has been and continues to be landowner and industry options for regulatory certainty so if the species is listed there are a number of ways, whether a landowner or industry, a number of ways to get that regulatory certainty and increase your ability to do what you do on your own land, and increase predictability of oil and gas and wind farms or any other associated industry. KDWPT has been extremely involved in policy discussions as well as conservation efforts for a number of years. One such effort is the Range-wide Conservation Plan and within that there are a number of committees that are extremely productive and meet often. The initiative council is five state directors, Secretary Loveless chairs that and Jake George, Wildlife Division director, is active on the advisory committee and involved with a number of stakeholders from across the range. I chair the interstate working group, which includes the five state biologists from throughout the range. Each of the interstate working group members chair the state implementation teams, which includes all of the relevant Kansas conservation partners that have a direct impact on lesser prairie chicken management within the state. We are active in trying to tailor conservation programs within the state to benefit lesser prairie chicken. We continue to have ongoing private lands habitat work and a lot of that comes from the USDA farm bill programs such as CRP, EQIP and our Habitat First program in the department to maintain landowner contacts and moving conservation efforts forward in predominantly private lands landscape. Continue to coordinate with USFWS, coordination with species status assessment and we meet every month

or at least every two weeks to coordinate the technical level, what is going on with policy and how programs might move forward. Additionally, Kansas has a rich history of funding and pursuing lesser prairie chicken research and there are bookshelves of information. We have a strong relationship with Dr. Dave Haukos, who is the Kansas Cooperative Fish and Wildlife Research Unit leader at Kansas State University, and he has literally written the book on lesser prairie chicken management and he has a team of graduate students and other professors that are outstanding in terms of producing information to be used throughout the lesser prairie chicken range. The shaded areas and darker areas show on the map are areas Dave and his crew have been working on, in some cases since the 1980s or before, but certainly, through department funding, since the 2011 and 2013 time period and we continue that. Some of the primary findings back up his statements. The necessity of large intact grasslands are necessary for lesser prairie chickens to be sustainable on the landscape, effects of climate and land cover, both positive and negative aspects of land cover change. Negative impacts of features include things such as roads, power lines, wind turbines, pump jacks, all the things associated with vertical structure in a prairie landscape as well as tree encroachment. Positive impacts of light to moderate grazing, which is essential throughout the range to maintain prairie as prairie, but also, especially in eastern portion of the range where you get more precipitation, to maintain key habitat types. Also important is the conservation reserve program (CRP) and throughout the range, especially in western Kansas, lesser prairie chicken are surviving because of CRP programs. It helps the populations get through drought, serves as nesting habitat and predicts where lesser prairie chickens are likely to occur and provides an important tool for conservation management. The species distribution model is based on habitat and tells us where the birds are and where tree encroachment is an issue, tell us where to go with brush management efforts and we can pick a particular piece that, based on surrounding landscape, is most beneficial or if already enrolled to help keep it enrolled in the program. Based on that we can incentivize landowners to help us do, lesser prairie chicken management on landscape scale. Significant effort of department since 2016. In 2016, we were approached by Colorado Parks and Wildlife to specifically target the sand sagebrush ecoregion of southwest Kansas and southeast Colorado, looking at populations on the Comanche National Grassland in Colorado and the Cimarron National Grasslands in Kansas. Historically, these were strongholds for lesser prairie chicken but in recent years those numbers have dwindled significantly. Additionally, we were experiencing some weather conditions, coming out of 2013/14 droughts, 2016 to 2018 were relatively good years for participation. We moved lesser prairie chickens from the northern portion of short grass prairie ecoregion, Lane, Ness and Gove counties, and moved them to Cimarron/Comanche National Grassland with the goal of increasing long-term persistence and distribution to boost the population and to test feasibility of translocation as a management tool for restoring populations. If they failed or succeeded we wanted to know why. Beginning in 2016 we began trapping males, trapped 2017 to 2019 and moved to Cimarron/Comanche National Grassland. We monitored them through VHF and GPS transmitters; we pulled feathers for genetic samples; and took blood for disease testing. There were four primary objectives in terms of research, dispersal, nest success, habitat use and survival. The GPS transmitters had solar panel to keep batteries up and we caught and released birds. A collaborative, significant effort. We moved 411 lesser prairie chickens, making it the largest translocation on lesser prairie chicken and prairie grouse ever attempted in the U.S. In terms of nests and brood numbers, we determined where they nested and once a hen moved, determined whether or not she was successful or not and we documented 140 nests, followed up on 98 broods over the three nesting seasons. Dispersal was

significant. From previous research we knew some of the hens were likely to move a lot, but never would have predicted this much; some birds went to Texas and back, so movement analysis told us a lot about how these birds move through the landscape. Breaking down four years of research, the need for habitat restoration and management is essential to supporting sustainable lesser prairie chicken populations. We have specific recommendations for habitats that can be improved in and around the national grasslands and around private ranches and landowners in surrounding areas. These translocation efforts will require hundreds of birds to have a chance at overcoming these issues. Not proposing translocation as a necessity or preferred management option, but this project has told us a lot in terms of landscapes birds are using, how they respond to being moved, how they respond in all habitats. So, we learned a lot from this that we hadn't known previously. Significant efforts of all of our conservation partners, but most importantly private landowners who we worked with to gain access to allow trapping on their properties in the shortgrass and in sandsage who allowed us to check up on nests. Commissioner Rider – Did you have to establish new leks with translocated birds or did they go to leks being used by other lesser prairie chickens? Fricke – The status of lesser prairie chickens in and around the national grasslands in 2016 was only one lek on the eastern portion of Cimarron and one lek on Comanche. That is why we initially started moving males in fall previously with expectation they would survive the winter and then beef up numbers on leks or start new leks. It sort of worked. We moved 26 males that fall, not enough to influence where those hens went. In the spring we focused on hens to try and establish leks and nesting. It didn't really influence that much; birds went to best habitat available. Numbers had dwindled to a number that the males weren't tied to anything existing. Chairman Lauber – You have until August 2 to make comments to USFWS, what are you going to say? Fricke – We will emphasize some of the positive trends of lesser prairie chickens, especially here in the short grass prairie we have seen population increases and expect increases this year, which supports 75 percent of the population. Emphasize conservation efforts already out there and availability of tools, to landowners, land managers and industry; highlight availability of tools. We will also emphasize the potential drawbacks of the federal listing in terms of work and ability and interest of private landowners to work with us as a state agency or any other conservation partner. When you have a federally listed species, you often find landowners aren't as willing to work with you. Chairman Lauber – I agree and that has been my feeling that with voluntary, sustained effort on behalf of the stakeholders we would have as much affect as demanding federal mandates. A good rain that produces a bunch of grasshoppers makes the management look good. Don't know if you will be successful to get it postponed and given opportunity for us to try and do it. Good report.

3. Parks Regulations – Linda Lanterman, parks division director, presented these regulations to the Commission. Good to be back in the same room. Kansas state parks have been busy this year but there are no proposed changes at this time. If you feel comfortable getting out to a state park, our team would like to show you around and show you activity that is taking place. We will be looking at regulations for the future.

4. Updating PFD Regulations – Dan Heskett, Law Enforcement Division assistant director, presented these regulations to the Commission (Exhibit I). In 2012, the United States Coast Guard notified the states they were considering adopting the International Standard for labeling of personal flotation devices (PFD) also known as life jackets. That started debate between Coast Guard and states as to the purpose of doing such, knowing that it was going to

require all the states to change their laws and regulations, as well as all of our education material. In 2014, they adopted the changes into their code of federal regulations. Those regulations are preempted, so states had to adopt either same language or more restrictive language. The states said they weren't going to do that until the Coast Guard could secure testing and identify the method of incorporating the new standards and show us what the labels were going to look like as well as some other issues. In 2017, early 2018, they started providing the information requested and recently started coming into the states programs and making sure we had adopted the language. Chris Tymeson and I started working on this. We have one statute dealing with kids under the age of 13 wearing life jackets that we had to get language adopted. The other major statute was already in place that would allow us to adopt the language by regulation. We will be striking types, no longer have types 1, 2, 3, 4, or 5 life jacket. It basically goes to every person on board would be required to have a U.S. Coast Guard approved wearable flotation device on board, one for every person. One of the biggest questions we have is when does this make the types 1-5 obsolete? The answer to that is never, as long as life jacket is U.S. Coast Guard approved and in serviceable condition, meaning no rips or tears, all the buckles are there and zippers are in place it will be an approved life jacket. It does have to be of proper size and fit for individual on board. The main part to this is they went to a measurement system, using newtons and on the life jacket it is all based on the label. I believe there are five ratings and fifty-five is lowest rating and will not be certified by the Coast Guard as a swimming aid. The next level would be 70 and on up to 275, which is the highest one. The higher the value the more flotation it provides. How they come up with the science behind the newtons I don't know. It also has a turning ability, if you see a circle with arrow in the circle and a hash mark through it that means that life jacket is not designed to turn an unconscious person over. The label shows the activity it is not approved for; towing for waterskiing, handle with cross through it. The other part major to this jacket is they put a warning symbol down below designating what type of activity it is not approved for. You have coding for water skiing, which looks like a handle with a cross through it and the next one looks like you can't roast a turkey on Thanksgiving because it looks like a turkey in a roaster, but it is a tuber, if that symbol on it you can't use it to tow a tuber, then personal watercraft and a paddle sport. Most of those labels will probably be put on inflatable life jackets. It doesn't change the way things are done but label characteristics. Part of the theory behind this that it will maybe get people to pay more attention to their life jackets. Chris is still working on exact language.

Secretary Loveless - Colonel Kyser submitted Dan for an award through the Western Association of Fish and Wildlife Agencies, which includes 19 U.S. states and five Canadian provinces. Dan has done so much work for our agency that we wanted to submit that. WAFWA agreed with us that Dan was well deserving of a special service award. Because of all of Dan's contributions the ones that have changed us the most has been the way he has built up and guided the boating program. In his role as Major, his primary duties were to oversee the recreational boating duties for law enforcement and to assist the Boating Law Administrator. In 2004, Major Heskett took over the duties of the Boating Law Administrator. Through his efforts, many programs within the Kansas Department of Wildlife, Parks and Tourism have seen remarkable growth throughout the years. As the State Boating Law Administrator, Major Heskett has provided testimony on legislative bills which impact boating safety. Another aspect of his duties is to oversee the annual United States Coast Guard grant funding for the agency. Before Major Heskett took the helm as the State Boating Law Administrator, the condition of the agency's

boating equipment, namely the patrol boats, was in disarray. Through his efforts, there are state-of-the-art patrol boats on almost every Kansas reservoir. In addition, a great number of varied watercrafts, jon boats, airboats, kayaks, and canoes are spread out for Kansas game wardens. This program has allowed wardens to patrol the public waterways more efficiently and effectively in Kansas. Wardens can also safely respond to emergency calls for service with better equipment to accomplish the mission. The efficient use of side scan sonar units coupled with a versatile boating response has increased a game warden's relevance in today's society of law enforcement. These upgrades have allowed game wardens to perform many water rescues over the years. When called for drowning cases, these upgraded platforms have allowed for expedited recovery of these victims, an essential component of our response. An expanded patrol of Kansas reservoir waters has aided in the conservation of Kansas fisheries, allowing wardens to check anglers on a more frequent basis. That is a subset of what we submitted, and the WAFWA special selection committee wholeheartedly agreed that Dan is well deserving for a Special Service commendation. The plaque is coming. Congratulations.

Break

C. Workshop Session

Doug Nygren, Fisheries Division director – We are going to have some presentations today, beyond what we normally do. We are going to have overview of use of regulations, particularly length and creel limits to manage fish populations that Ben will talk about. Update on walleye initiative and length limit changes we put in place at Cedar Bluff and Marion reservoirs. We have Dave Spalsbury and Craig Johnson giving those presentations. When those are done then I will come back and finish up discussion on proposals for reg changes for next year.

Changed order of presentations.

3. Overview of Length and Creel Limits as a Fisheries Management Tool – Ben Neely, aquatic research biologist, presented this update to the Commission (PowerPoint Exhibit J). Came about as talking about fish harvest regulations and a lot of questions of why we do what we do and a lot of regulations apply and certain scenarios. I want to talk about four types of harvest regulations, not all can be pigeon-holed into these four types but these provide the framework when we start to think of what we want to do to manage our fish populations. Why do we manage fish? The answer is multi-faceted, from creating opportunity, to enhance populations through stocking, create new angling opportunities, sometimes we just want big fish, and sometimes we want to eat fish. Crappie fishing sells licenses every spring and anglers fill their freezers. Ultimately, we manage these fish because people love them, fishing is an integral part of society and we want to do the best we can to provide opportunities. In Kansas, we manage with length and creel limits. Not going to get into creel limits today, but just talk about four types of length limits. Minimum length limits include, x-over length limits, protected slot length limits and harvest slot length limits; you hear a lot about slot limits and that defaults to a protected slot but we are going to talk about harvest slot limits and point out the differences. Minimum length limits is when fish at or over a specified length may be harvested and the purpose of this is to protect fish until they reach a minimum size which is typically reproductive size or angler desired size. The idea is to protect fish long enough to spawn and replenish the

population and maintain harvest. We commonly use those when we are establishing a new population. The 35-inch minimum length limit on blue catfish is a good example of this. We have individuals in the population with rapid growth and we know the fish are going to get to this minimum length. When people want to harvest these fish, we know exploitation will be high if fish were unregulated and when they taste good. When we have variable recruitment and we don't know if we'll have good reproduction, a minimum length limit helps preserve those fish in the population and make sure we can get reproductive activity. Also, used to maximize harvest yield. This is most commonly used and most understood by the angling public and default length limit for statewide regulation and the reason is because it meets a variety of management goals. The x-over limit, the x can be a one over or two over, which is a limited amount of fish over a specified length to protect fish that have reached this large size, often times angler determined trophy size. It is used when fish grow in abundance and support trophy fishery, if we know fish can get 40-inches relatively quick and there is enough of them to get there then this is a good option. When large fish are easy to catch and readily available to anglers, they would rather take home a 29-inch walleye rather than a 19-inch walleye. When anglers prefer to harvest large fish, it gives us a way to protect those and it maximizes trophy yield for catch and release angling. When not concerned about pounds of meat an individual can take home but opportunities to catch these large fish. Mainly the fishery is managed for angler opportunity and we have harvest-oriented fisheries and not so worried about trophy opportunities. The increase in catch and release philosophy has driven this home and there is a lot more activity with fisheries managers thinking about how to implement these x-over regulations. To allow harvest of limited amount of fish over certain length. We are currently using that with protected slot length limits with blue catfish, at Milford for example there is a 25- to 40-inch protected slot and only one of those five fish can be over 40 inches. With sunfish we have a 6- to 9-inch slot in a few experimental lakes, unlimited harvest under six inches and only five fish can be kept over nine inches. A lot of times these x-over length limits work in conjunction with a different type of regulation including minimum length limits. Slot length limits, protected slot says the fish within specified length range may not be harvested, a protected group of fish. The purpose is to thin overabundant small fish to get try to get more big fish. A population can only support ten pounds of fish and we get in the situation where we would rather have one ten-pound fish rather than ten one-pound fish, we want to get one-pound fish out so the others can grow bigger. This can create a lot of complications determining minimum and maximum size because minimum size has to be small enough to protect intermediate fish but large enough that anglers will want to keep the fish. If lower side is too low it is just going to serve as a minimum length limit and nothing is harvested until it gets over maximum size. The maximum size has to be small enough to be attainable within the population, has to be fast growing and strong enough to get to larger sizes but also high enough to promote trophy fish and protect fish to open opportunities. We commonly use protected slot length limits when we have consistent recruitment, meaning we know that every year we are going to get a bunch of babies that will move up into the population. Also, when we see slow growth, we can take it step further. When we see fish get to relatively small length they quit growing. You see that a lot in crappie where you have 8-inch fish that may be eight years old because they don't have enough resources to grow any larger because there are too many fish or not enough resources. When we think about protected length limits we get questions about walleye and why we don't use them. Protected slot length limits work in northern waters because growth is really slow and the waters are not nutrient rich, we have more food available here. Kansas walleye aren't prone to slow growth, at age four Kansas walleye are somewhere around

19-20 inches, and when you look at U.S. median, Kansas fish grow faster. We don't have the issues with slow walleye growth. Another thing that makes protective slot not good for walleye populations is we don't have sufficient recruitment. We are asked why we don't stock more fish, a great idea in theory but even with stocked fish we run into recruitment issues, whether wind or water temperature, timing of plankton hatch, all of those create situations where we are not going to get a lot of survival from young walleye. Typically, what we have in our population is fairly large year classes that drive the fishery for a few years and we hope to get another one so we can continue. If we were to put a protective slot on walleye, the fish underneath that protective slot would be harvested as soon as they were captured and we wouldn't have very many fish moving into preferred size. Ultimately it would result in increased harvest of small walleye and reduced overall yield. Harvest slot length limits, haven't done in the state that I know of and is the opposite of slot range, people can keep them within the range and the idea is to focus harvest on specified size class to try to get more small and big fish, using same analogy with ten pounds of fish and having one ten-pound rather than ten one-pound, and in this case we want a mix of those two and not everything the same. Typically, when you get a group of fish stockpiled in particular range, which can happen if you get a large year class and getting all the resources and not leaving enough for the intermediate size fish in the population. Sometimes you can use it for sex-specific growth, males don't get as large as females and you have minimum length limit where males can't get to that you use harvest slot length limit to promote harvest and focus on desired fish. There is infrequent use of freshwater fisheries but common in harvest-oriented marine fisheries to maximize yield when object of fishery is to maximize how many pounds are harvested. It can create confusion with protected slot length limits and it works by focusing harvest on abundant portion of the population to flatten the curve and push it out to more small and large fish. Ultimately, there is a lot that goes into harvest regulations and what I went through is thought of as framework when biologists are out sampling and see certain population characteristics, to think of which of these would be most effective to get population back to where they want it. There are other considerations, angler desires, population potential, nearby angling opportunities, fishery history, recent changes and anything else you can think of. Regulations must be continually evaluated to ensure management goals are met. Things change, angler desires change, population change, forage bases change and we have to be adaptable in our approach to reach end goal. All of these regulations require enforcement and angler to be effective. The premise of a minimum length limit is we are protecting these fish until they reach reproductive maturity and if fish are illegally harvested. Same with protected slot length limit, we want harvest of fish underneath that slot limit. If we don't get that harvest then ultimately those protected slots function like large minimum length limit. Intent was to lay out and give primer on some of the regulations. Chairman Lauber – Marion shuffled size limits to enhance fishery and expect people will be pleased with recommendation. Doug Nygren – We are experimenting and fine tuning our regulations and ideas with one-over or two-over and ability to harvest within a slot are things we are willing to try. We are going to explain some alternative regulations and Dave Spalsbury, district biologist at Cedar Bluff is going to give a presentation on Cedar Bluff.

4. Cedar Bluff Walleye Special Regulations and Proposals – Dave Spalsbury, district fisheries biologist, presented this update to the Commission (PowerPoint Exhibit K). Proposing maintaining 21-inch minimum length limit and 5/day creel limit but in addition to that, within that regulation we propose an option for anglers to keep 2 fish per day between 15 and 18 inches.

Prior to implementation of 21-inch length limit, walleye harvest was regulated by an 18-inch minimum length limit and 5/day creel limit from 1989 to 2018. During that time frame the reservoir was really low and in the mid- to late-1990s the reservoir began refilling and this created ideal conditions for largemouth bass. Because of that, impetus was taken away from walleye and switched to largemouth bass. At the same time, walleye were operating under the radar and a really good walleye population developed to the point there were a lot of large females in the population. In 2006, KDWP started collecting walleye eggs for culture purposes. We have collected three-quarters of a billion eggs so far. Cedar Bluff is an anomaly and we have fairly consistent annual recruitment and haven't had to rely on stocking. Probability of good year class is independent of stocking and/or removing walleye eggs. Four years ago when I presented last time, more recent sampling data has showed reduced abundance of larger individuals and there are several events led into the decision to implement 21-inch length limit; one was a strong 2014 year class and that with declining number of larger fish I thought it was a good time to protect them before they were harvested out to give us a chance to recuperate with decent growth. Data from 2010 and later indicated that by three years we should see improvement. This is year four and there have been other incidents that necessitated that we lengthen our evaluation period. Objectives for implementing: 1) improve the abundance of larger walleye in spring and fall sampling; 2) optimize breeding population by having good numbers of large females and males and male presence in population and correlate that with catch of young of the year in nets; and 3) improve walleye yield harvested by anglers and keep it relevant for culture purposes. Improving quality of the population further. Age and growth data indicated that at least by age three we should see improvement so I subjected the 21-inch length limit to three-year evaluation and after that period we would either maintain or try something different, so that is what we are doing. First objective was to improve abundance of larger fish, fall sampling data and strong numbers of larger individuals dropped in 2013, increased small fish in 2014 and 2015 and numbers of fish overall and most notable 2019 data showed decrease because of altered fish behavior because they were searching other habitat for food. More normal sampling data in 2020 and little improvement in 2021 fish. The percentage of females caught in the spring, declines but we've seen some recovery in population - bigger fish because of 21-inch length limit. Optimizing breeding population was another objective and we have more bigger fish, which means getting more females in the population and it did improve the percentage of females from 12 percent to 34 percent in 2019 to 2021. One problem we are seeing is recruitment index - we've seen potential suppression and will talk about why. Due to optimized breeding potential maybe, but other factors in play as well. Finally, due to increased angler yield and I would say no; 2014 was a big year and if we had run creel survey in 2017 it would have been an even bigger year. You can see high angling pressure, fishing for walleye, 42 percent fishing specifically for walleye and they harvested a bunch and threw a bunch back; percent harvest rate and total fish harvested were one-third of fish caught were harvested in 2018 data. See a reduction in angling pressure, which we expected, and fell the off map in terms of preference and harvest was reduced. Fast forward to 2019 and walleye was back on the map for harvest and preference. A huge amount of catch and release, higher than any other year documented, percent of fish harvested was under three. Where the 21-inch length limit failed was angler yield. Coming together of several events, abundant 2014 year class, protected fish from harvest and in 2017 reservoir low and in 2018 and 2019 the reservoir came up 17 feet and I thought that would be a good thing but in 2019 shad production was horrible. Commissioner Sporer - What happened, why? Spalsbury - Good question, why; the only thing I can think of is typically I start

looking for shad early in the season and a lot of times I find them at the far west end of the lake, upper end of lake and major coves. With the lake being down those coves grew up in phragmites and when the lake flooded it grew above the water surface, 13-feet of water. That year there was a lot of lake basin that had decomposition going on and it was nursery habitats for gizzard shad, not mobile and oxygen went away and killed them. We went back in 2019 and it smelled like a new lake, that funky decomposition odor and we pulled oxygen levels and it was zero. The only fish up there were common carp. That is the best explanation, but bottom line is terrible shad production. On a whole fish are tough, saw reduced growth and recruitment because of competition and poor body condition and delayed population recovery when we implemented the 21-inch length limit. These three things, protecting, abundant fish and poor production was a disaster in 2019. Things flip flopped in 2020 and 2021. Growth from 2010/11 is what I based my recommendation of 21-inch length limit on and I did extensive aging growths as part of evaluation. From 2017 to 2019, average mean weight and variable individual lengths. Male walleye jump up 10 inches in first year, 15 inches their second year and taper off and when they get close to 21 inches by age seven. You don't see many males after nine years old and in year classes and age seven are starting to thin out. You look at data from 2017 see same longevity but see flattening of the curve once they start getting larger. Female, same data, jump to 10 inches first year, 15 inches by age two, 20 inches by age three; so, I thought 21 inches would be great. Data from 2017 to 2019 a lot of difference and flattening and corresponds with 2014 year class. We exceeded carrying capacity and increased competition for food and slower growth within that period. The small fish are still growing rapidly and there are reasons for that too, they rely on different food resource. Because of poor conditions and lack of food situation we are seeing reduced recruitment. Long term-catch data, we usually consider five or better a good year class; chance you get good year class when you stock but maybe not. You also see that in non-stocking years. Pretty low numbers the last three years, expect recruitment. Delayed recovery. The older they get the more disparity in growth. We want to scale back to 15-inch or 18-inch length limit, lot of fish harvested. Provided they can catch up this year. It would devastate the population if we were to scale back to some of the smaller length limits, with a 5/day creel limit. We are proposing male walleye reach sexual maturity around 15 inches at age two, can reach 18 inches but actual mortalities and very few reach 21 inches at Cedar Bluff, but it is possible as early as age six. On the other hand, female fish at age three reach 19 inches and legal limit by age four to five and generally live longer, that is why you see fish up to 29 inches, those are females. Because of disparity, 18-inch or 21-inch minimum length limit focuses hardest on females, males are underutilized resource. We are in a variable environment, poor production, recruitment production and crazy years with big year class and multiple extraction so we deal with that. The 2018 creel survey, Susan Steffen, human dimension specialist, created some special questions asking about angler support or lack thereof of 21-inch length limit. Basically, 40 percent supported it. 40 percent opposed and 20 percent were neutral. I have polar constituency. I propose an experimental regulation and maintain 21-inch minimum length limit with harvest exception to allow anglers to keep up to two fish 15- to less than 18-inches long. This differs from our typical thinking. When you think of slot length limit in Kansas, you think of protected slot, but not exactly the right way to go, with what I am protecting, more of a situation where we protect 0- to 15-inches, we would protect juvenile male and female walleye and young mature males as well. We would have harvest exception, to optimize breeding potential to optimize breeding recruitment, first harvest length range from 15-inch to less than 18-inch and allow up to two fish per day. This would impact larger older male walleye, an underutilized resource, and

would subject older juvenile female walleye to grow, they grow so quickly they would only be subject to harvest for maybe up to one season or less, their harvest versus the males would be much lower. Second protected range from 18 inches up to 21 inches, females start maturing at 19 inches on average so we would be protecting a segment of mature female population, like lower range was for males. From there on up fill out 5/day bag if they can catch fish over 21 inches. Provide unique angling opportunity in the state and that is what we are trying to do with the walleye initiative. I retain 15-inch, 18-inch and 21-inch length benchmarks because they are familiar to anglers and 18-inch are biologically amenable to age maturity from then on and reduces creel limit with harvest exception, will allow some harvest of underutilized males within a reduced range. So, hopefully have less impact on the overall population density as a whole and limit harvest of juvenile females. This length limit will be similar in terms of objectives. Improving abundance of large fish, optimizing breeding population, and improving yield of walleye harvested by anglers. It is experimental so I will begin subjecting the three-year evaluation period. If we see something disastrous coming down the road we may alter that course before that three-year period is up. It would satisfy desires of polar angling constituency and at same time discreetly target harvest to allow some harvest of males and some females. I am counting on angling pressure being self-regulating. What we saw in 2019, the fish were hungry in the first part of 2020, the fish were starving and they would bite a bare hook, so, an angler could go out and catch a lot of walleye. This year as soon as they were done spawning and recovered a little they began feeding and their condition is totally different. If you have a deficit forage, fish will be more willing where allowance of harvest is a good thing but at the same time if fish have something to eat they are harder to catch so why not leave them to grow some more. That is what I mean by self-regulating. Under banner of Kansas walleye initiative geographically provide more walleye angling diversity and this will definitely do that. It is night and day difference than a year ago. The 15-inch to less than 18-inch 2/day harvest exception within framework of 21-inch minimum length limit and 5/day will protect some males and some females and create brood fish sector in the population. It will better harvest desires of diverse constituency and integrates conservation but allows harvest in an environment like Cedar Bluff that is extremely variable walleye recruitment and forage availability.

Ted Webster, Kansas Walleye Association president – I want to tip my hat to you because I know you have dealt with some incredible environmental situations that you briefly touched on with shad base crashing. For the first time in my 40-plus years of walleye fishing we see some outside the box thinking. The Kansas Walleye Association for the last 30 years has data to back up what I am talking about. Some of the implementations we are putting in right now have been needed for a long time. Craig Johnson said we have been trying to deal with walleye with a sledgehammer rather than a scalpel. You have had to deal with bureaucracy you have to deal with because if you couldn't manage. We knew shad population had crashed by the time we get around to doing something about it, it is too late. We know the health of fish is good. One of the reasons why I want to visit is why are we still allowing 5/day over 21 inches? You know people aren't going to catch 21-inch fish out there. Is it to placate or appease those people, the 40 percent you mentioned? If it is for appeasement then it is for the wrong reason. What we need to do is trust you to do your job and do it correctly and go with your recommendation. Please explain why still allowing 5/day when you are not going to catch them, why not limit to one per day? Then go with the rest of your recommendations, which we think are great. Spalsbury – Part of the answer you may not want to hear. Through the management we have been doing at Cedar

Bluff when we have local constituency, we don't stock and we take fish out, makes it harder to catch a legal fish. From sociological standpoint I thought by limiting creel limit would be one more thing that would stir up a lot of controversy. You know they aren't going to catch five so why does it matter. Webster – Exactly, but my point is it is going to. I talked to Lynn Davignon. Spalsbury – If it doesn't matter, why from sociological standpoint leave well enough alone. Webster – I agree with that wholeheartedly. Let me base line, across the state for last 30 years our catch rates at tournaments have done nothing but steady decline and I have data to back that up. We have to change that. Two things need to happen, either we need to put in more fish and Ben got up and gave a really good presentation but one thing I disagree with, that I struggle with is, he said, even if we stop those stockings don't take place, no mother nature is involved and we have issues. We can't stop doing it, in fact we have to increase it. Doug said he had a 92 million egg collection goal and I want to see that number increased. My anglers are coming to me upset because we have seen a 30-year slide, low catch rate and size rate in our tournaments statewide. We want to see that number boosted. Meade should help. I don't want to manage things reactively I want to do it proactively. We have a problem with Wilson right now. In your lake it may not matter right now, the fish are healthy and have great shad population and that growth rate is going to explode. If harvesting females, that we wanted to protect in the first place, I know this is a three-year plan so I am begging and hoping that when your lake gets right you get back to where we need to be to protect those females. Spalsbury – If we need to make a change quickly we can through Secretary's Orders process. Webster – I want to back you 100 percent and we are in agreement for the first time in many years and seeing changes off of minimum length limits. Harvest is incredible right now statewide. I came here for walleye, electronics, angling pressure is incredible. See more of three or two fish per day. If we don't it is going to crash walleye populations. Two things need to happen in our Association's opinion. We have to increase stocking and decrease harvest at many of our lakes. I want to drive it home. Thank you for looking outside the box. I work hand in hand with many of these people. I don't want results of study to look like you have done a poor job because of an environmental deal, we know you care about the walleye population and we appreciate it. Commissioner Sporer – What is going to trigger putting more walleye in Cedar Bluff? Spalsbury – I would like a good way to evaluate the stocking and I think the Emporia guys are working on that now. Our hatchery system only has "x" amount of capacity and we only have so many days to do things. We want to strive for efficiency and if we are just throwing resources at something without knowing if it is working that is counter intuitive, I want to know it is working. Technology shows this all works we will be glad to try experimental stocking of walleye at Cedar Bluff. Secretary Loveless – Explain tracking system. Spalsbury – Based on removing otolith from the fish, it grows throughout the fish's life it is like having layers of bone to an onion and it builds that bone based on ions in the water, different waters have different ion concentrations and because of that we can identify what water it came from. The Ninescah River water they use in Pratt to raise the fish, we know that ion concentration and if we see that signature we know it came from Pratt. Chairman Lauber – If it doesn't affect the resource sociological perspective or reasons for setting certain rules, is a good idea sometimes. If it doesn't make any difference and nobody is going to harvest them you will be able to act quick enough if it becomes overharvest and it makes people feel better and it didn't hurt anything.

5. Marion Reservoir Walleye Special Regulations and Proposals – Craig Johnson, fisheries biologist, presented this update to the Commission (PowerPoint Exhibit L). Recap of

August 2019 meeting when I was last there. Talk about 2020 and beyond plan for Marion, changed walleye length limits and management. It was a four-year pilot study, first part of that was to change to 21-inch minimum length limit through 2020 and 2021 and allow harvest of 18-inch fish in 2022. Part of the plan was to conduct creel surveys and monitor pressure, catch rates, harvest and catch size structure. Covid pandemic compromised some of our plans with creel surveys but we still intend to do creel surveys next year. Continuing with standardized sampling to monitor the population we are seeing with these different regulations and to collect input from our anglers. This is a new approach and hasn't been done in Kansas, to utilize grow phases and harvest phases to improve walleye harvest size and brood fish. Grow phase is more restrictive regulations provide protection for one or more growing seasons and on the flip side of that the harvest phase is less restriction and allows harvest of fish previously protected in grow phase. Recap of what we have had at Marion, before 1989, no minimum length limit and 8/day creel; starting in 1989, a 5/day creel was added statewide; 1992-2019, 18-inch minimum length limit and 5/day; and in January 2020, 21-inch minimum length limit with 5/day creel. From 1987 to 2020, Marion was stocked, first in 1987/88 and second in 1992/93 and from 1993-2016 the lake was not stocked at all, we had natural recruitment and production, stocked 2016, 2017 and 2018, the first two years were walleye fry and 80,000-plus fingerlings in third year of stocking. Densities dropped over time, some of decline where anglers getting concerned about it so that is when we started looking at what was going on and to see if we could reverse it. In about 2010, we changed the way we sample walleye populations statewide, most of that data is consistent. For the last 11 years of fall testing at Marion it is more promising than just a downward trend, looking at density of the fish in the lake. Young of the year fish is variability of stocking but the only year we saw young of year show up in testing was first year of stocking fry in 2016; the other two years 2019 and 2020 were not the result of stocking but natural recruitment. The floods increased production of game fish, we had record high water levels, which provided a lot of quality fish habitat. Our walleye production without stocking was very good. Looking at lake frequency distributions, using ridgeline plots, 10-11 years of fish data, more fish sampled and higher density show up as brighter colors. It is length frequency and shows smaller fish on left and bigger fish on right, the graph shows lines that depict 18-inch and 21-inch length limits. This shows the variability our anglers see when they go out to fish. In 2017, there were lots of fish but most of them were over 18-inch mark and with 18-inch length limit Marion had for 27 years, they had good opportunity of having a good day and taking some fish home during that year. Some other years there were not many fish between those two length limits. We are trying to make that better for anglers and provide more fish to brood. We get a lot of questions about how it is working so far. Sample in the fall, in January 2021 I looked at fish once in nets and at that time limit had only been on for about nine months so it isn't really impressive so far. In talking to anglers I get reports of what they are seeing and reports are good, high number of 15- to 17-inch range being caught, most likely flood fish, very good numbers of 18- to 20-inch walleye and very good part of it is the timing of when we started this we had perfect storm, we had fish set up to get over that 21-inch mark available. The good side of that is fish are in excellent body condition; Marion is a fertile lake and normally has plenty for everyone to eat and good numbers of fat healthy fish. The proposed harvest regulation harvest phase would start in January 2022, we would go back to 18-inch minimum length limit, modify creel to 3/day with one fish per day 21 inches or longer. An angler could have two fish over 18 inches and one at 21 inches or all three between 18- to 21-inches. The objectives of this would be to return to harvest of 18-inch walleye. When we put 21-inch length limits on anglers thought we would never go back, the big

thing is to do what we said we were going to do. We want to provide increased size of harvested walleye, you start seeing bigger fish cropped off especially walleye, few of the legal fish get released. Provide better opportunity to get bigger fish. Increase brood fish numbers to supplement natural recruitment. The big ones are important sizes, 21-inch plus, we want to increase and boost numbers of those to increase sporadic recruitment we get, even with stocking. We can't always rely on 100-year flood events. We want to extend fishing opportunity with reduced daily creel, there is some concern of opening day syndrome. Once open with less restrictive limits the public could go out and hit it pretty hard and before long it was back where it was before. We want to extend quality fishing opportunity and stretch things out a little bit and provide anglers with increased catch rates of larger fish while also allowing fish for the table. Chairman Lauber – Change to 18-inch will be pretty popular.

1. Fishing Regulations – Doug Nygren, Fisheries Division director, presented these regulations to the Commission (Exhibit M). Thank presenters for excellent presentations. There has been a major change in Fisheries Division recently: Kyle Austin, assistant director, retired last week. Kyle was the one who takes all of the fishing regulation requests that come in, takes them to our regulation committee and makes final decisions on staff recommendations. I want to thank Kyle for his many years of service, over 35 years. These regulations are the last work he did. Walleye Initiative update, our intended walleye initiative was to provide a variety of opportunities and provide better options with different management goals across the state, some places with smaller length limits and higher harvest, some places protecting brood stock and other places providing improved quality trophy fish. I think we have done a good job providing geographic options across the state for walleye anglers. The other part was to improve our stocking program. The challenge of 92 million egg goal we had this year, each year we look at all the requests that come in for fry, fingerlings and advanced size walleye and then we determine how many eggs it is going to take to reach that goal based on a relatively conservative hatch rate. Sometimes we have to get more and this year we had really good hatch rate and did not have to collect the full 92 million to meet the demand. That demand is built by district biologists and hatchery system does their best to meet those demands. We still struggle each year to meet stocking demand for all species so we have to make decisions each year on what we are not going to raise. We have always made a priority for species in high demand, walleye, largemouth bass and some of the catfish species. A lot of time and effort on those because most important to the anglers. It is a challenge and one of the things we are working on right now is expanding capabilities of the hatcheries to raise more and bigger walleye and better options to manage fisheries. We are well under way at Milford Hatchery raising fingerlings to larger sizes on artificial diet, we have 40,000 advanced fingerlings inside the building and those will get to 8-9 inches by the end of the year. We have a new building under construction at Meade Hatchery that is going to be recirculating the aquaculture system that will have potential to produce 300,000 to 400,000 fingerlings each year and raise another 70,000 intermediate 8-9 inch walleye each year. Had some problems with construction had some engineering problems and design flaws that has delayed construction process and is looking like it will be hard to have it ready by next spring like we hoped. We are still hoping we can rally and get back on track and still have ability to get everything set up first attempt to raise walleye in there next year. We are at breaking point if it takes much longer we won't be able to use it next year. The walleye initiative has done well. Had to go in and take out ponds that weren't useable and seal off the ponds we need and working on other ponds to put as many ponds in production to raise as many

fingerlings as we can. With combination of new space at Meade, revamped feed training program at Milford we will be getting a lot further down the road meeting that demand than in the past. Chris Steffen will talk about commercial bait regulations.

2. 115-17-2. Commercial Sale of fish bait – Chris Steffen, aquatic nuisance species coordinator, presented this regulation to the Commission (part of Exhibit M). The change we are proposing is on commercial sale of fish bait. Right now, the regulation specifically lists you can sell dead shad and we are requesting to add additional species to clarify that Asian carp including silver and bighead carp, skipjack herring, emerald shiners, threadfin shad and any additional legally obtained species can be sold. We are trying to make it a little more clear what can be sold as dead bait. Chairman Lauber – Do we have skipjack herring in Kansas? Steffen – No, one wonders up the Missouri River from time to time. Commissioner Sporer – What about threadfin shad? Steffen – There were some a while back but I am not sure any of those remain. Nygren – They winterkill, we use them for enhancing the forage base when gizzard shad aren't doing well. We stock them knowing they probably not going to survive the winter. It is a tool to enhance forage and we might do more in the future but it is not a species that can do well in Kansas. Stocked some in LaCygne lake and some carried over, but when they shut the plant down in the winter the water gets cold and they are gone.

Nygren – Move into reference document, these are regulations that differ from the statewide regulations. Tuttle Creek Reservoir, we have been operating with a 35-inch, 5/day creel limit on blue catfish; we are proposing a change to a 10/day creel limit with no more than one fish per day longer than 30 inches; trying to liberalize that population in terms of harvest, we have been protecting it and a lot of those fish have reached sexual maturity and we're starting to see natural recruitment. That population is doing well. Marion Reservoir, change back to 18-inch length limit and 3/day creel with only one fish a day at 21 inches or larger for walleye. Cedar Bluff proposal with section slot, maintain 21-inch minimum length limit with 5/day on walleye except two fish 15 inches or less than 18 inches may be included in the daily creel. Commissioner Sporer – What I hear from the locals is they really like what they are going to do at Marion with three fish and only one over 21 inches. There is a lot of push for that. Nygren – We can have that discussion with staff and look into that. Bartlett City Lake, add a 15-inch minimum length limit and 5/day creel limit on channel catfish. Parsons, West Pond, add a 15-inch minimum length limit and a 5/day creel limit on channel catfish. Bone Creek Reservoir, in southeast Kansas, changing from 13- to 18-inch slot to an 18-inch minimum length limit on largemouth bass, and a 5/day creel limit on saugeye. We have had some issues with largemouth bass numbers that has led to the need to protect them. Commissioner Rider – I had a call on this, saugeye contributing to decrease of good bass tournaments, something about a virus. Nygren - Have Sean reply to that. Sean Lynott – We have been seen comments as well on that. The age of Bone Creek is part of the problem, it is an older reservoir, online for 25 to 35 years so seeing aging, lower productivity and we saw some of this in our sampling. Connor Ossowski is biologist there and he made recommendations and requested fingerling stockings of largemouth bass to help that population and in removing the 13-inch slot we are protecting them and what we are stocking to get up to angler tournament-satisfied size. The saugeye did excellent job of helping the sunfish population, crappie, redear sunfish, bluegill have all showed increased size structure because of saugeye predation. We don't believe saugeye are contributing to any negative impact to largemouth bass but we do have this population established now and anglers who are throwing

crankbaits for largemouth are also catching saugeye. We know some people are upset with saugeye population and we are looking at doing different things like expanding creel from two to five. Commissioner Rider – Was at two and looking at five? Lynott – Going to 5/day. Nygren - Parsons, Tolen Creek Pond, add a 15-inch minimum length limit and a 5/day creel limit on channel catfish. Wichita, West KDOT, add a 21-inch minimum length limit and a 2/day creel limit on saugeye. Sedgwick County, Lake Afton, change to a 21-inch minimum length limit on wiper. Harvey County East Lake, change to an 18-inch minimum length limit on largemouth bass.

In KAR 115-25-14, changing trout stocking locations at Colby-Villa High Lake, Mined Land Wildlife Area, and Sherman County Smoky Gardens. Colby-Villa High and Sherman Smoky Gardens are two lakes that were recently renovated and are in the trout program. Locals are excited about trout fishing in that part of the state as fishing opportunity is limited. We have talked to communities and feel that during trout season everyone out fishing should have a trout permit. Changing from Type 2 waters to Type 1 waters. We also included the Mined Land Wildlife Area to Type 1 water as well. Commissioner Sporer – Type 1 you have to have a permit, Type 2 you can just fish? Nygren – Yes, Type 1 waters, anyone fishing there are required to have a trout permit. Currently operating as Type 2 waters where if you are fishing for something else you can be there without a trout permit. These lakes are primarily being fished during trout season and there is limited opportunity for other species.

Youth/Mentor fishing locations, to be consistent with what we have on the wildlife side for the youth/mentor program, currently we have youth/mentor ponds across the state and someone over 18 can fish there only if they have a child under 16 with them. To be consistent with youth hunting and fishing we are proposing to make this 17 (under 18).

VII. RECESS AT 4:15 p.m.

VIII. RECONVENE AT 6:30 p.m.

IX. RE-INTRODUCTION OF COMMISSIONERS AND GUESTS

Commission Sill was not present at the evening session and Commissioner Sporer attended via Zoom.

X. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. DEPARTMENT REPORT

D. Public Hearing

Notice and Submission Forms, Attorney General letters dated April 5 and Kansas Legislative Research Department letter dated May 5 (Exhibit N).

1. KAR 115-8-1. Department lands and waters; hunting, furharvesting, and discharge of firearms – Stuart Schrag, Public Lands Division director, presented these regulations to the

Commission (Exhibit O, reference document Exhibit P). Thank you to commissioners for meeting with wetland staff, it was positive and meaningful. I failed to extend an open invitation to any of you to tour one of our wetlands or public wildlife areas at any time, please let me know. We are voting on our public lands reference document. I will highlight the big ones. Changes at Cheyenne Bottoms, under motorized boats, Pool 3a and no motorized boats in Pool 4a after 1:00 pm, as well as no motorized boats at McPherson Wetlands and adding more state fishing lakes to the no wake policy. Chairman Lauber – We need to bring this forward, have a second and vote on possible amendment that contains those items. One line was omitted from the amendment. The amendment is in your briefing book and gives some of the things we have been talking about.

Commissioner Gary Hayzlett moved to approve KAR 115-8-1 as presented to the Commission. Commissioner Emerick Cross second.

Commissioner Gary Hayzlett moved to amend KAR 115-8-1 as presented to the Commission. Commissioner Emerick Cross second.

Schrag – There was one line omitted from the amendment. Under Region 1 on boating restrictions, the strike through at Cheyenne Bottoms, from 4/5 through 8/15, no boats permitted from 10:00 am to 5:00 pm, we are striking that, but omitted the wording that says no boats permitted from April 15 (4/15) through August 15 (8/15). Chairman Lauber – The amendment has that strike through but did not show the new wording. Commissioner Sporer – Tell me when motorized boats can be used at Cheyenne Bottoms?. Schrag – During hunting season in certain designated pools. Commissioner Sporer – Which pools are you not allowing motorized boats? Schrag – We are recommending pool 3a and 4a after 1:00 pm. You can still use paddle vessels and walk-in hunting.

The roll call vote to amend KAR 115-8-1 as recommended was as follows (Exhibit Q):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion to amend KAR 115-8-1 as presented passed 6-0.

Tymeson – This is a vote on the regulation as amended.

The roll call vote on regulation KAR 115-8-1 as amended was as follows (Exhibit Q):

| | |
|------------------------------|------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |

| | |
|----------------------------|---------------|
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion as amended on KAR 115-8-1 passed 7-0.

2. KAR 115-25-1. Prairie chickens; open seasons, bag limits, and possession limits; permit – Kent Fricke, small game coordinator, presented this regulation to the Commission – (Exhibit R). Currently the prairie chicken season consists of two components, an early season from September 15 to October 15 and regular season that starts the third Saturday in November and runs to January 31. Hunter participation and harvest has declined since the 1980s and overall see a low prairie chicken season participation and harvest. The small game committee has reviewed regulations and recommended this regulation be looked at to help simplify a number of our regulations. Additionally, in 2019 and 2020 we surveyed prairie chicken stamp purchasers through prairie chicken hunter activity survey and the results are in the briefing book. The majority of those constituents are in favor of more continuous season. Staff feels that extending the prairie chicken season and creating continuous season is justified because harvest is not likely additive. There is relatively low hunter access to areas where we have prairie chickens, and low hunter participation in the eastern portion of the range where we have seen some declines in greater prairie chicken population. Overall, we have seen declines in greater prairie chicken populations which are due to habitat loss and alterations. Not likely due to harvest. Staff are recommending extending the prairie chicken season and creating a continuous season from September 15 to January 31.

Commissioner Aaron Rider moved to approve KAR 115-25-1 as presented to the Commission. Commissioner Emerick Cross second.

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

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion as presented on KAR 115-25-1 passed 6-0.

3. KAR 115-25-1a Quail; open seasons, bag limits, and possession limits – Jeff Prendergast, small game, presented this regulation to the Commission – (Exhibit T). As far as staff realignment with youth seasons, we recommend increasing the age of to those that are 17 and under as well as increasing daily bag limit from 4 to 8 for youth season quail.

Commissioner Warren Gfeller moved to approve KAR 115-25-1a as presented to the Commission. Commissioner Aaron Rider second.

Commissioner Gfeller – Do we have an amendment on this one as well? Chairman Lauber – I don't think so but do on the next one. Tymeson – We do have one. Chairman Lauber – Does staff have a strong recommendation that we increase the daily bag limit? Prendergast – The daily bag limit on youth seasons is half. The reason we did that is for more consistency from youth to regular season. Daily bags are relatively low even for adult hunters. We typically think of youth hunters as less proficient as far as shooting abilities so even less likely to obtain that daily bag so we don't feel that action will change harvest much. Also, youth season is not utilized that much. This will maintain consistency. Commissioner Sporer – Taking youth to same limits as regular season? Prendergast – Yes, that is the recommendation. Commissioner Sporer – I agree with that 100 percent, less complication. Chairman Lauber – Can't find compelling reason to do that, but don't have a compelling reason to disagree. Commissioner Sporer – Consistency in the agency. It is confusing when I have youth come out. Consistency issue and a good thing for agency. Chairman Lauber -

Commissioner Gary Hayzlett moved to amend KAR 115-25-1a as presented to the Commission. Commissioner Warren Gfeller second.

The roll call vote to amend KAR 115-25-1a as recommended was as follows (Exhibit U):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion to amend KAR 115-25-1a as presented passed 6-0.

The roll call vote on regulation KAR 115-25-1a as amended was as follows (Exhibit U):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion as amended on KAR 115-25-1a passed 6-0.

4. KAR 115-25-1b Pheasants; open seasons, bag limits, and possession limits – Jeff Prendergast, small game, presented this regulation to the Commission – (Exhibit V). Same as quail, increasing age of participation for the youth season to 17. Increasing daily bag limit from 2 to 4.

Commissioner Aaron Rider moved to approve KAR 115-25-1b as presented to the

Commission. Commissioner Warren Gfeller second.

Commissioner Gary Hayzlett moved to amend KAR 115-25-1b as presented to the Commission. Commissioner Warren Gfeller second.

The roll call vote to amend KAR 115-25-1b as recommended was as follows (Exhibit W):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion to amend KAR 115-25-1b as presented passed 6-0.

The roll call vote on regulation KAR 115-25-1b as amended was as follows (Exhibit W):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion as amended on KAR 115-25-1b passed 6-0.

5. KAR 115-3-1 Game birds; legal equipment, taking methods, and possession – Jeff Prendergast, small game, presented this regulation to the Commission – (Exhibit X). In order to make it easier on law enforcement for proof of sex on pheasant we are changing language so that only an attached foot or plumage is required as proof of sex.

Commissioner Gary Hayzlett moved to approve KAR 115-3-1 as presented to the Commission. Commissioner Emerick Cross second.

The roll call vote to approve KAR 115-3-1 as recommended was as follows (Exhibit Y):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion to approve KAR 115-3-1 as presented passed 6-0.

6. KAR 115-4-4. Big game; legal equipment and taking methods – Levi Jaster, big game program coordinator, presented these regulations to the commission (Exhibit Z). The change here is to modify from a hat to include a hat or other garment on the head for hunter orange. We are still requiring the same amount, 50 percent bright orange and be visible on all sides. This allows diversity in how folks can follow that regulation if they can't necessarily wear a hat. Chairman Lauber – Does this have an amendment for Firestick? Jaster – There is a possible amendment as directed by the Commission we are drafting an amendment to this regulation to consider the Fire Stick as legal equipment during the muzzleloader-only season.

Commissioner Emerick Cross moved to approve KAR 115-4-4 as presented to the Commission. Commissioner Gary Hayzlett second.

Chairman Lauber – We have a possible amendment and it has to do with the Firestick that has had a fair amount of discussion and in great detail. I'm not sure it represents a major change in the spirit of our existing muzzleloader regulation. I believe I am in favor of allowing the Firestick. Commissioner Hayzlett – I have read a lot about the Firestick. We allowed muzzleloaders to allow inline and I believe this is a safety issue.

Commissioner Gary Hayzlett moved to amend KAR 115-4-4 as presented to the Commission. Commissioner Aaron Rider second.

Commissioner Gfeller – We lost audio. Jason Dickson – Can you start with the second. Chairman Lauber – It has been moved and seconded and we need to vote on the amendment. Commissioner Gfeller – I will support it reluctantly in the sense that we are so far removed already from what muzzleloader was originally designed to be and this is just one more step and I don't know that there is any reason to punish the Firestick. I will support it but I encourage a rethinking of whole special season for muzzleloaders as they get closer to a single-shot centerfire rifle. Commissioner Sporer – I agree with Commissioner Gfeller. I will support it but at some point we need to look at season. Chairman Lauber – I think everyone sort of feels that way, it is just one more small increment and no question about it the most common muzzleloader used today is far from primitive. It is an opportunity and there is a safety feature.

The roll call vote to amend KAR 115-4-4 as recommended was as follows (Exhibit AA):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion to amend KAR 115-4-4 as presented passed 6-0.

Commissioner Hayzlett – Can't say I disagree with other two commissioners, it started out as primitive season and has progressively away from that to moderate. Accuracy and lack of wounded animals not tracked down, I think it will improve accuracy and safety. Commissioner Sporer – Moved on to modern day muzzleloaders and are never going to get that back, modify

season dates in the future to accommodate for new technology. If we are going to get run down with modern technology maybe what we do is change season dates and lengths to compensate for new technology. Commissioner Gfeller – I agree with that 100 percent. I think the advantage the muzzleloaders have now, when using a weapon similar to a rifle, needs to be rethought. Chairman Lauber – I hunt with a muzzleloader, it is not that easy, one shot opportunity and it takes me about 60 seconds to reload. We have the season right now in sometimes 85 degree weather. I understand, I was happy when I could use scopes because couldn't see good enough to use open sights anymore. This is not going to be the last technological advancement but I still think muzzleloader season is a more complicated primitive hunt than it was, the older you get the fairer the chase becomes. Secretary Loveless – Offer having a future discussion, staff has discussed this also with the same questions and trying to ponder the fairness and how far has muzzleloader gone from the original intent, is it still fair and are seasons appropriate; all the things you brought up. We will bring forward at a future meeting.

The roll call vote on regulation KAR 115-4-4 as amended was as follows (Exhibit AA):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion as amended on KAR 115-4-4 passed 6-0.

7. KAR 115-25-9a. Deer; open season, bag limit, and permits; additional considerations; Fort Riley – Levi Jaster, big game program coordinator, presented this regulation to the commission (Exhibit BB). Typical to what we have done historically.

Fort Riley personnel asked not to participate in October pre-rut season but to use those days as additional hunting opportunity for designated persons, youth and disabled hunters. They are requesting normal change in firearm season to be over Thanksgiving and some subsequent weekends. It is still the same number of days as our regular season just different. They are asking for additional archery season for their people designate by them, typically those are soldiers that are returning from deployment or going on deployment. They are also requesting to not be included in the January extended firearm antlerless-only season on the subunit.

Fort Leavenworth has requested open firearm season will be held on multiple weekends rather than the same as the state and again it is the same number of days just different dates. Requesting extended firearm season for antlerless-only, white-tailed from January 1-23, 2022 and to participate in extended archery season from January 24-31, 2022.

Smoky Hill personnel requested to have deer hunting season the same dates and to match their subunit to actual deer management unit (DMU), subunit 4a, to allow four additional (5) whitetail antlerless-only permits which brings them in line with main unit they are in.

There is a possible amendment to clean up language. It was listed as unit 4a, but it should be subunit 4a for Smoky Hill.

Commissioner Aaron Rider moved to approve KAR 115-25-9a as presented to the

Commission. Commissioner Warren Gfeller second.

Commissioner Warren Gfeller moved to amend KAR 115-25-9a as presented to the Commission. Commissioner Emerick Cross second.

The roll call vote to amend KAR 115-25-9a as recommended was as follows (Exhibit CC):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion to amend KAR 115-25-9a as presented passed 6-0.

The roll call vote on regulation KAR 115-25-9a as amended was as follows (Exhibit CC):

| | |
|------------------------------|---------------|
| Commissioner Cross | Yes |
| Commissioner Gfeller | Yes |
| Commissioner Hayzlett | Yes |
| Commissioner Rider | Yes |
| Commissioner Sill | Absent |
| Commissioner Sporer | Yes |
| Commissioner Lauber | Yes |

The motion as amended on KAR 115-25-9a passed 6-0.

XII. OLD BUSINESS

Secretary Loveless – I would like to make a presentation based on exceptional leadership. *Asked Chairman Lauber to come forward.* Earlier we were talking about a submittal we made to WAFWA. The submittal we made was for a specific award based on leadership on the part of the Commission. Of all the submittals, Kansas won because we focused on your leadership. Chairman Lauber has been on the commission since 2005, chair since 2011. He has led us through a lot of issues over those years. The award focused on the last five years. When Chris Tymeson was submitting these, he pointed out challenges with guides on public lands, increased opportunity for people with mobility issues, sandhill crane hunting units, walleye initiative, wild turkey population conversations and one of later ones was nighttime coyote hunting changes; those and a number of other issues. The 2021 WAFWA Leadership award for Commissioners goes to you. Chairman Lauber – The key to great leadership is to surround yourself with great people.

XIII. OTHER BUSINESS

A. Future Meeting Locations and Dates

August 5 – Kansas City – James P. Davis Hall, Wyandotte County Lake Park, 3488 East Drive
September 23 - Beloit, Rolling Hills Electric Cooperative, 3075 B Hwy 24 (plans to try for tour
of Ring Neck Ranch)

November 18 – Oakley, Buffalo Bill Cultural Center, 3083 US Hwy 83

January 13 – Emporia, location to be determined.

Chairman Lauber – Part zoom and part live meeting went well. Thanks to staff for making that
work.

XIV. ADJOURNMENT

Adjourned at 7:11 pm.