

**Kansas Department of Wildlife and Parks
Commission Meeting November 30, 2023
Lyon County Fairgrounds, Bowyer Community Building
2700 W US Hwy 50, Emporia, KS
including a
Virtual ZOOM Meeting Option**

Approved Subject to
1/25/24 Commission
Approval

The November 30, 2023, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 12:00 p.m.

Chairman Gerald Lauber, Commissioners Emerick Cross, Warren Gfeller, Delia Lister and Lauren Sill were present. Commissioner Phil Escareno and Troy Sporer 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

Mission Statement (Exhibit B) and Agenda (Exhibit C).

Sheila Kemmis – One correction in first agenda mailed out, under workshop session, 6) Pending Regulations, KAR 115-30-4 was listed as Boating; capacity plate and operation and should be 30-4 Fire Extinguishers; requirements and was corrected in the copy on the table.

IV. APPROVAL OF THE September 7, 2023, MEETING MINUTES

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

V. DEPARTMENT REPORT

A. Administrative Rules and Regulation Procedure – Pursuant to K.S.A. 77-421 – Public Hearing (Notice of Public Hearing – Exhibit E)

11. KAR 115-2-1 Amount of Fees – Jake George, wildlife division director, presented this regulation to the Commission (Exhibit F, PowerPoint – Exhibit G). Began process in January 2023, had discussions establishing the need for additional revenue. Recommendations made in June and in promulgation process since then. Two things changed during promulgation process. We had an increase on the nonresident hunting license that is currently \$95 that has a cap of \$125. Nonresident spring turkey permit from \$60 to \$75 and the addition of the nonresident draw for this coming spring turkey season. The nonresident combination two-deer permit is an

antlered and antlerless white-tailed deer permit, that one is currently \$415, at a rate which is less than it would cost to get the antlered permit and an antlerless-only permit as a nonresident separately, so that is certainly one that we're going to look at an increase to \$450. The non-resident fishing license is another one that's been identified, it's currently \$50 and has a cap of \$75. The nonresident calendar day fishing license doesn't have much room to increase, but is one that's at \$7.50, has a cap of \$10. We've already talked about the two separate hunting and fishing nonresident permits. The nonresident combination hunting and fishing license is currently at \$135 and has the potential to increase to \$190 as opposed to buying them separately. Based off calendar year 2021 license sales, because with the change in licensing system at the time of estimations, that was the best full year data we had to use when we started the process. We were estimating about \$3.74 million before those two changes. As part of the promulgation process statute 32-937 subsection H was identified as the special hunt own land permit which is for lineal ascendants, descendants and spouses should be equal to the price of the general resident deer permit. At some point they were set at the nonresident hunt-own-land deer permit price at \$85 so a correction will be made from \$85 down to \$40. We sell approximately \$1,200 of those each year so that will be a net revenue decrease of \$54,000. The second change was legislation passed regarding requirements for licenses for disabled veteran free lifetime hunt and fish combos. That was previously an annual process to provide those free permits with limited funds. This is going to be a revenue neutral change. Because of legislation, we will have to strike through language on disabled veteran hunting, fishing and combination licenses. The second change of adding the special hunt-own-land deer permit reduction in revenue and estimation of changes outlined in the briefing book, the revenue increase would be about \$3.68 million for next year.

Commissioner Sill – All are at caps now? Jake – All will be at statutory caps, yes.

Commissioner Warren Gfeller moved to approve K.A.R. 115-2-1 as presented to the Commission. Commissioner Delia Lister second.

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

Commissioner Cross	Yes
Commissioner Escareno	Not present
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve K.A.R. 115-2-1 passed 6--0.

2. Secretary's Orders – Free Park Entrance and Free Fishing Days – Linda Lanterman, Parks division director presented these resolutions to the commission (Exhibit I). Parks has three free entrance days a year, May 4 is for all state parks, Lets Camp America is a national initiative. Each park can do their own, usually an OK Kids Day and last one is Black Friday where we have a *#optoutside*. We hope to get people out to the parks with these initiatives. People take selfies and attach them and give a free cabin stay to those selected. The other resolution is the free fishing days, which will be June 1 and 2, 2024. No vote necessary, the Secretary will sign these.

VI. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Jeff Hancock, president of new NGO, Kansas Hunters for Access – positive relationship. Shot first quail near here. We are trying to promote access and building positive relationships between hunters and landowners. As a child I appreciated access to farms and ranches with my grandfather. During the summer my grandfather would go around to landowners and give them peaches and watermelons to get access. We spent time with them and got to know each other. My grandfather died in 1997 and a lot of the access died with him. We still have some access, and we do the same things my grandfather did to be allowed that access. While landowners have changed, and access has changed. In mid-1990s we started seeing WIHA signs. I continue to hunt and hunt a lot of WIHA or public lands. Enjoy hunting as a family and enjoy doing that together. There are threats to the WIHA program with so much private leasing, nonresidents buying property to hunt on, outfitters, and just bad hunter behavior. So, we formed this not-for-profit several months ago, focused on public land access and mainly on WIHA program. Working with KDWP staff, sending surveys to cooperators asking them to stay in the program and asked what we could do to help them stay. Those survey responses are being compiled and we are doing a pilot project this winter in north-central Kansas. We will be hosting a group of WIHA cooperators within a certain radius and will have KDWP and other NGOs on hand to provide information about services that can be offered. Kansas Hunters for Access will have giveaways for the cooperators as appreciation gifts that are being provided by local vendors and NGOs. We will provide the cooperators an opportunity to sign up for work such as fencing cleanup, invasive removal and painting that needs done around farms and ranches that our volunteers can help with. I was recently asked why this is necessary, and I told them, as a business owner it is the same reason, I go to work every day an hour before everyone else, a little bit of extra effort can brighten a cooperator's day, I think it is a win-win and we can make it happen. This is an experiment to be sure hunting access is available in the future and working back to place where the relationship between the hunter and landowner is a good one. Chairman Lauber – Do you have a business card? Hancock – Not yet but I will give you my personal business card. Commissioner Gfeller – Do you have a website? Hancock – kansashuntersforaccess.org. Commissioner Cross – How many members do you have? Hancock – Not membership based, volunteer based. We did that on purpose, to keep our focus on WIHA programs and not have influence of members wanting to drive things in another direction. Commissioner Cross – Do you have folks across the state? Hancock – We have board of four in in the center part of the state, Manhattan, Hutchinson and two in Pratt. Commissioner Sill – How many volunteers have signed up and where are they dispersed? Hancock – We have about 25, most in population centers of the state, but a few in rural areas.

Jim Schuhart – Here to talk about live target sonar and excessive harvest it is causing. I have five articles I would like to present (Exhibit J) written by industry professionals and Arkansas Fish and Game. All these individuals are concerned about over-harvest that live target sonar has caused on lakes. Some states had reduction in limits, Minnesota went to 15 pan fish limits with five crappies, five yellow perch and five blue gills. Mississippi put in a reduction of 30 fish per boat to stop overharvest. I think it needs to be done here. I am retired and I fish a lot. There are a lot more guides than there used to be with two to seven people per boat and they come out with

140 fish with bigger group and do it repeatedly day after day. If you want evidence, they actually have a Facebook site called Kansas fishing guides where you can see firsthand. They say things like, come fill your freezer. Kansas lakes aren't designed for that, and they shouldn't be doing that, lakes are for everyone not just them. These noted guides have millions of dollars invested. We have taken the cork out of the bottle of technology; it works well, and anybody can use it. If anyone would like to see it, I can give a boat lesson on how it works. I agree we should have limits and slots. Crappie is a catch and keep type fish, black bass usually catch and release. Crappie are not helped by hatch releases but rely on natural reproduction and are prolific and can come back quickly. They need high water to have a good spawn, so numbers are down. Then they were hit hard and hurting our lakes. Pick one lake as test lake and put limits and higher slot on that lake that is known for crappie, do for year and apply across the state if it works. Lakes that have stripers, at beginning of year people were catching 10–15-pound fish, as summer progressed smaller, now taking five- to seven-pound fish. They are taking the top end of fish out. They are slow growing. The blue catfish gets special regulations on them, and I think the 50-fish limit crappie and should be reduced to 20 or 30. White bass is a pan fish and has an unlimited limit on them, the only state close to that is Oklahoma, they are getting hit hard. Chairman Lauber – Where do you fish? Schuhart – In the north and eastern part of state. I fish John Redmond, Coffey County, Melvern, Pomona, and Council Grove. Commissioner Sporer – Jim, aware of Wildlife and Parks study done a few years ago on sonar at Cedar Bluff? Schuhart – Yes, the one Ben did with 10-20 boats. Arkansas did the same thing with 700 boats, and they found significant difference. Catch rate with live target sonar was 2 ½ times higher than ones without. They did it not because of excess harvest but they thought they were targeting bigger fish and found that wasn't true but took more. We need to implement regulations to help protect fish and get reduction to manageable level. Commissioner Sporer – I have asked about 50 crappie limit and have learned from fisheries people that there are times when too many crappie and white bass and it would be good to take them out. Schuhart – I understand, but why lakes in other states with more water, find they need a limit, when we have smaller surface area and higher limits? Commissioner Sporer – Can Bryan Sowards answer some of the questions? Bryan Sowards, fisheries division director – Why we are different at 50/day versus other states? At one time it was unlimited. I have spoken on this before and I think the interesting thing is unintended consequences so went from unlimited to 50/day and we actually saw increased harvest because they had a target they could hit. A small portion of the anglers take home 50 fish/day based on creel surveys. Maybe that has increased since live imaging came out, I'm not sure. Schuhart - Crappie fishing popularity has increased to one quarter of all the fishes at all fisheries and you need to take that into account. Sowards – And winter is when they school up tighter and are easier to find. Schuhart – Don't have to be much of a fisherman to take a bunch. Arkansas has implemented their own limits because they are concerned. The guys who install sonars in boats, all live imaging anymore, at \$4,000 each, sometimes worth more than the boat and they don't have to fish for them. With not have a guide association in Kansas, they are getting their monies worth. Sowards – We have fishing regulations on guides. Schuhart – Don't know what regulations on guides are, but have seen them go out, cast and pass the pole to the client. Where does that apply to the limits? Sowards – Proud of our division and the fact that we sample every year and monitor to make sure we don't have crashes in populations. So far, we have not noticed any concerns. We have taken a deeper dive into age and growth information for crappie as well as the social component of what people like to see for creel limits and those sorts of things. What we saw in growth information, we would have to reduce to five to seven fish to make an impact on population, people wanted a 20-fish limit but did not support going below that. Schuhart – If don't have live sonar you can fish all day and not get 20 fish, much more efficient using sonar. I didn't see a boat yesterday that didn't have it and fish can't hide anymore. There is a learning

curve but once you learn how to use it, you are deadly with it. There is not a professional fisherman on the circuit that doesn't have one, unarmed if you don't have one. In doing limits take that into consideration. Again, if you want to see it, I will show you it in action. Chairman Lauber – I believe it is effective. Discussion of limits has a lot of issues with it, not necessarily people's disappointment, but some lakes need a limit, and some don't. I recommend we study these things. Heard before and not without merit but can't solve here today. Appreciate your comments.

Kurt Ratzlaff, Backcountry Hunters and Anglers – Spoke in Pittsburg and said we would be watching to be sure the North American model of wildlife conservation was followed on appropriateness of deer baiting. We have not adopted a position on the issue. We are evaluating scientific evidence of CWD. It appears baiting has kicked down the road again like it has for the last 10-20 years. Feels like it is some sort of political hit job, not sure whether Washington DC, Topeka or both. There was a website that said there was going to be a secret vote by the commission, also politicians and bureaucrats were going to take everybody's ability to kill big bucks away. Also, same website had a well-known politician that said how baiting was the greatest thing. It smells like it was political. All I know is politicians and bureaucrats are supposed to stay out of this type of decision, and that is based on two distinct sources, the North American Model of Wildlife Conservation mandates the Commission makes decisions to conserve the state's wildlife. The wildlife belongs to all Kansas, owned by citizens, who entrusted you to make those decisions on wildlife based on the best available science. The second source that tells us politicians are not to be involved in this decision is the Kansas citizens who recently voted that legislature should stay out of agencies and let them make their own decisions. These two things mandate this commission to make these types of decisions based on science and any politician, whatever side they are on, is failing the citizens as well as our wildlife. There is valid criticism we heard regarding information presented on whether baiting leads to an increase in CWD and I don't know if we have sufficient testing in Kansas yet. So, let's do something and don't kick the can down the road. Let's continue the conversation and get some information that allows us to follow the science and see where it leads us. If we can do that then maybe 10-15 years from now, they will say you did something. Continue the conversation, do some testing and do what we have to, to have some information to follow.

David Mueller, Halstead, speaking on behalf of others. Thank Commissioner Sill for talking with me on the phone as well and encouraged me to come talk to you to consider the use of drones, Or UAV, for recovery of deer. When hunting deer, especially with archery equipment, uncovered deer are a concern, consensus shows 83-87% recovery rate with archery equipment. Based on harvest numbers, that leaves 5,000 to 6,000 deer a year not recovered, some injuries may not have been fatal, so maybe 2,500 to 3,000 killed but not recovered. We understand dogs are effective but there are not enough dog handlers to meet the demand. Other concerns with tracking dogs, they are invasive to ecosystems and their tracks can also make it more difficult to recover the year. UAVs with thermal cameras are highly effective in locating dead game and can cover large areas quickly. They fly 200-350 feet off the ground and are minimally invasive to the environment. Embracing technology can enhance experience of hunters, conserve and expand our state's natural resources. Crossbows, modern muzzleloaders and thermal scopes are all

examples of technology that you have passed. Chairman Lauber – It is your idea to liberalize the use of drones for recovery of game? Mueller – Yes. Those technologies are ones embraced by Kansas and other states and can be used to take game, but the drones would only be used for in recovery at this point. Every regulation and corresponding technology have challenges, but not more difficult than other technologies. We believe enforcement wouldn't be any more difficult than any other regulations on the books. We recognize KDWP faces challenges in funding and manpower, so we have ideas for enforcement we believe would lessen the burden on KDWP. Our idea is to have a certificate issued by KDWP. Possible requirements would be the operator have a part 107 commercial drone pilots license issued by FAA, a hunter education card, a fee to cover processing and administrative expense and signed commitment by the operator to use the technology only for recovery of harvested animals. Upon submission of all that KDWP would issue a certificate to be kept on the operator, similar to a license. Another option would be to require operator to notify local game warden when recovering game. Thermal drones are a little bit self-regulating and setup costs are around \$15,000, so not every hunter will have one. With high cost, technology is available to people with means. As a whole, hunters act in the spirit of fair chase and within the law. Legal options available to hunters are more likely going to take those options rather than resorting to operating outside the law. We don't want to minimize importance of enforcement and recognize KDWP regulations rely on trust between agency and outdoors men and women. Any potential UAV regulation would rely on same trust. Chairman Lauber – At this point, we have people dealing with drones in the agency and they will take this into consideration to see what may be possible. Assistant Secretary Schrag – For clarification, the reason it is not lawful at this time is it is not under state regulation but in state statute, that defines illegal methods that include aerial as well as mechanical and 32-71 which offers definition of take. Mueller - Is the term collect in that definition? Assistant Secretary Schrag – There are several words within the definition. My point being that would have to go through legislative process not regulatory process. Mueller – If take is the issue, then you wouldn't be able to use ATVs to haul deer out, that would violate that state statute. Nobody is going to argue you can hunt a deer from an ATV, but I don't know of anyone questioned for hauling their deer out. Assistant Secretary Schrag – The whole definition of take. Mueller – I would say it is applied inconsistently. Schrag – I wanted to make you aware of the regulatory process for change through this commission. We have reviewed this extensively with legal and law enforcement and we all have the same understanding. Chief Counsel Riley – I suggest we continue this dialog, never best way to answer a question when there is legal significance. I have your name and contact information and I will look at the law. Assistant Secretary Schrag – Appreciate your ideas and offering ways we could make this enforceable as that is a concern. Chief Counsel Riley – How many hours from do you have from the time deer dies and you still have significant temperature differential so thermal imaging can locate it? Mueller – Most of my information says 48 hours after being shot, but that would be weather dependent, so that would be with ideal conditions. Chief Counsel Riley – Would need mechanism to distinguish between a live deer and deer you are looking for. In other words, what would keep you from pursuing a live deer rather than dead deer. Mueller – If dog tracking, they don't know if live or not either. There is a level of trust between the hunter and the dog. In this case trust would be between the operator and the drone. Those dogs can do amazing things. Generally, you could say after a certain time, a hunter could track or pursue the animal. Chairman Lauber – We need to take this conversation offline. I didn't realize there was a statute in place.

Terry VanWey, landowner Wabaunsee County – Is there talk about bringing back transferable deer permits? Chairman Lauber – Permits generally not seen with favorably VanWey – I mean I disapprove of them entirely; I don't mind hunt-on-your-own land. Chairman Lauber – We have

had attempts to bring those back and the department took a negative posture. VanWey – All you are doing is giving the outfitters ability to hand out permits I am strictly against those.

Sean Miller – Appreciate the time and apologize I can't be there in person. Asking for inclusion and future agenda item. I testified in March on 115-8-25, public land trail camera, adopted ban, but want to be sure you stay committed to future discussions. Put on agenda. I heard from Assistant Secretary Schrag, and he stated he wanted to wait until after deer season. January 25 is before season, so March 28 is next. I know what regulatory process is like, so maybe a couple seasons before it is changed again. I have spent most of summer talking to several employees of KDWP and fellow hunters in parking lots. I discovered a whole community that doesn't hunt but enjoy getting wildlife photography and photos. I am disappointed by this as well. Really not trying to debate today and I am sure we will have a robust discussion in the future. I did want to mention, the Secretary asked me a couple weeks ago if I was able to find a deer and kill it. I did and I don't need cameras to do that but more disappointing this year. Seen fair amount of conflict on wildlife areas in eastern half of state, managed by parks and Corps of Engineers. Passage of this regulation created conflicting allowances on those two areas. The Corps allowed cameras and that created a rush to put cameras in those areas. Unfortunately, people who were unaware of this had people going around and breaking cameras and stealing cameras and leaving notes that they were illegal. I want to make sure we don't lose sight of that and add to agenda for future meeting. Chairman Lauber – I am the one who committed to reviewing this. I think we should do that after deer season closes. Assistant Secretary Schrag – In regard to Corps issues, we will reach out to them, they try to follow suit, but not always the case. It is property-by-property, and we will reach out to them to get standardization between us and Corps partners. I will follow up with Sean as well.

Andrew Clark – Deer hunting considerations, I am in northwestern Kansas. I put down a lot of miles this year and have concerns about whitetail and mule deer populations. I am looking at whitetail unit map and it looks like Units 6, 8, 9 and 10 have only one whitetail-only permit, but much of northwest Kansas still five per season. Given what I saw I am asking you to consider following suit with those other units and go back to one. The population is down out there and needs help. Another consideration, I mentioned in Garden City that mule deer needs to go to lottery draw to keep eye on those. Being able to buy over the counter with archery or muzzleloader tag is not keeping a good eye on that. The population is suffering in west half of the state. Want straight lotteries for all methods of take. I ran into a lot of nonresident deer hunters on public ground, a lot of them seeing not much sign of anything. We need to set up a quota on nonresident tags, potentially making two tag types, where 90% of tags are allotted to private ground; and 10% be open tags where you can hunt WIHA and public ground. Then maybe we will be able to control pressure on public access.

Commissioner Sporer – Does Levi want to address doe deal Andres is talking about? Levi Jaster, big game program coordinator – We are having discussions about this. Big thing in northwest Kansas is the high prevalence of CWD and that is one of our tools we have. Looking at deer harvest versus hunters and changing to one deer tag probably isn't going to change the harvest. It might make people happy, but it does take away some of the little bit of additional harvest we

may get in CWD area. The reason we have kept those tag numbers higher is the CWD and rather than trying to incur significant cost of culling deer in places we have left doe tags. It is also another opportunity to get meat. Commissioner Sporer – What about mule deer? Jaster – We are having discussions about draw for all mule deer tags. Also, possibility of research on that and where things are good and bad.

Travis Burch, youth director for Kansas Bass Nation – I know you have been discussing limiting tournament lakes to one per day and possibly raising the fee. I want to say that is a good idea. We are seeing three to five tournaments a day on lakes, and it is getting ridiculous. If there is any way to have a centralized location to fill out permit, then you could control from one location rather than the cluster it is now. The Black Bass Pass, is there any way, as youth director have seen ups and downs of kids' faces, to adjust black bass pass creel limit to allow kids, or general tournament angler in general, to bring in a smaller fish? Bring in 13 or 14 inches or sometimes 12 inches like Oklahoma. On creel limit, why are we not protecting best class of fish? Chairman Lauber – Our people will look into that. See good and bad.

Zach Parent – In favor of lottery draw for mule deer tags. I am a resident and bow hunt. I am glad to have an opportunity to hunt them here instead of having to go to another state. In favor of tags going to residents. Back in March a comment was made about non-hunters and their piece of the pie on public lands. Having a fee to be on that land. You phrase it as non-consumable, but they are consuming something on the land. Use word like a roadblock but need to make them pay their share. Curious on that? Is there progress on making non-hunters buy a license or have a fee to go mushroom hunting or whatever? Assistant Secretary Schrag – We are having those conversations internally. Some of the roadblocks you are referring to is what we have identified as additional fees for public lands and converts into program income. We use federal funding and how we match that is a major consideration on how we balance and manage those federal grants and any additional revenue. No significant progress has been made but conversations are continuing.

V. DEPARTMENT REPORT (continued)

B. Secretary's Remarks

1. Agency and State Fiscal Status Report – Assistant Secretary Stuart Schrag, presented this update to the Commission. Park Fee Fund (PFF), derived from entrance fees, camping fees and annual vehicle passes to state parks. So far for fiscal year through October was \$4 million, similar average as recent years. Cabin revenue is from parks and public land cabin rentals, total revenue through October was approximately \$416,000, increase from previous year of 29%. Wildlife Fee Fund (WFF) is derived from sale of hunting and fishing licenses, big game permits and tags, to hunters and anglers. WFF revenue through October was \$4.8 million, about average. Between August through November, hunting license permit category sales were up around \$250,000, so encouraging. The Boat Fee Fund (BFF) is derived from boat registrations and with this money we provide boating safety, education, and access infrastructure to protect and support the boating public. Revenue through October was \$457,000, similar to previous years. The agency budget for 2025 has been submitted to the Division of Budget and we have had some back and forth with them. They have had questions we needed to clarify. Once we hear back from them, we will update the commission on any potential changes. Commissioner Sill – You said our deer permit sales were up \$250,000? Assistant Secretary Schrag – All hunting categories. There is an increase in resident deer permits represented in that. That has been an area

of decline. I would have to look at that as I didn't get specific break downs. The new fees aren't in effect. Commissioner Sill – I believe it is going down in past years. That was why I was asking if that was representing a slight increase. Assistant Secretary Schrag – This wasn't one specific permit class this was overall hunting licenses in the hunting category from August. In other notable news. This September we hosted the 50-year anniversary of our SASNAK program. SASNAK stands for Surging Ahead with Skippers, Nimrods and Anglers of Kansas and is also Kansas spelled backwards. We hosted a gathering for that and had a pretty good turnout, about 82 people and it was good to see old faces. A lot of people reminisced about the good old days. I was glad to be a part of that. The program hired roughly 65 new employees into the agency, mostly biologists, 31 fisheries and 20 wildlife as well as some other random people. SASNAK has a lot of historic significance within the agency. Also, back in September, Linda Lanterman received the Distinguished Director Award at the National Association of State Park director's annual conference in Lake Tahoe, Nevada. Congratulations Linda. In October, the Kansas chapter of The Wildlife Society also celebrated 50 years. They are a great organization, and it is notable to reach 50-year mile marker. A want to also recognize people who are transitioning to a new phase of their life and retiring. I wanted to publicly recognize them for their dedicated years of service. Debbie Rosacker our Human Resources director for the past nine years with KDWP but has worked for the state for 37 years. Pete Szabo is our management analyst planner and has been with the state for 28 years, 10 with KDWP. Alan Stark, one of our parks regional supervisors has been with the agency 40 years, Steve Adams has worn several different hats for the agency, he has been the environmental guy in regard to water issues and the last couple years as our budget analyst. He is leaving with 34 years of service. I just wanted to acknowledge their dedication and thank them for their service. I would also like to introduce Ashley Beason, our new legislative liaison. We have never had a designed person before, in the past the Secretary, budget people and legal staff filled that, and we felt we had a need for this position. She is well qualified and has experience in this field and will be dealing with any legislative issues. She will be working in the background all year long talking to the people. Ashley Beason – I began my job one month ago. I hit the ground running. My background is, I was a middle school teacher for 13 years; earned my doctorate in 2016, which started path toward research and policy, so I have been working for the state and advocating for nonprofits for the past few years and doing lobbying and advocacy work. I am excited to be with the agency and I will be traveling around the state to learn about what everyone does. Please contact me if there is anything you need in terms of advocacy in the legislature. Assistant Secretary Schrag – Ashley is already working hard on one legislative initiative. We will be going into the 24th session on the land acquisition in Jewell County near Lovewell and she has already made a trip out there and met with staff. Having her in this position will be a great benefit. One other person I forgot to mention, Joy Duncan, our chief fiscal officer, who has been with the state for 15 years, went over to the Department of Health and Environment. So, we have open positions we are discussing internally and how we fill those.

C. General Discussion

1. Wildlife Research and Survey Update – Rich Schultheis, assistant wildlife division director, research (PP - Exhibit K). Welcome back to Emporia, where we have our research and

survey office where most of the statewide coordinators that talk about the regulations are housed. At the last commission meeting we talked about harvest surveys and today I am going to talk about population surveys. The information utilized for management of wild species is broad and there are several data streams we consider. We utilize harvest surveys and how we utilize that is we collect it, by best method possible. Today talk about abundance and population surveys, which is the second one we consider in our management decisions. During last commission meeting, spent fair amount of time on census and survey differences and why we rely on survey process to collect harvest survey information. Primarily when talking about populations the same type of limited population, small scale, so using surveys where counting using methodology that allows us to count specific areas, specific individuals and extrapolate that out and come up with reliability indicators we are confident in. Population surveys are our most common technique and add the idea of an index that we utilize for wildlife populations. In some species a survey is a difficult process to follow through with. An index is documenting measures, other than actual abundance or density of individual population. We are talking about population estimations for these surveys a lot of time that encompasses both survey and index. The question becomes why we choose one over the other. It has to do with limitations, difficult to document individual counts and detectability and having a reliable survey to complete it and cost associated with it. There is only so many staff in the state we can rely on for surveys. We think about the species and what we need to know as far as scale precision timing, like time of year, and when you put that all together it helps us make the decision on survey rather than a census. The list of surveys we do on a regular annual basis is staggering. An example is the population indices, show up in annual upland bird forecasts, pheasant/crow/bobwhite whistle counts, similar procedures but happen at different times based on biology of the bird. We are talking about almost 80 routes that are happening throughout a large part of the state. Commissioner Gfeller – Do you do them at the same time of day every day? Schultheis – Yes, same time of day with some little differences, like length of the duration of the stop and how long we are listening, the number of stops and the same idea applies. Instead of saying we are estimating the number of individuals there is an index. We record data on a sheet, count number of calling males per stop, count individuals per stop and compare areas over time. Trends change and if you are a manager you use the information to make decisions about harvest seasons or those types of things. Use Rural Mail Carrier Surveys, and we ask them to report what they see when they run their mail routes. It is a standardized process, number of individuals they see per 100 miles driven. One of the nice things about this survey is it applies to several species. Same survey used for turkeys, later in the year, we use information as an index of adult abundance on the landscape and then later in the year the number of young versus adults, which gives idea of production. A lot of surveys and indices are used for multiple purposes. The roadside furbearer survey is done within in the agency and is wildlife personnel during normal duties and activities, keep track of what they are seeing, whether alive or dead and this is a realizable index for furbearer abundance. It isn't an index but a roadside index and is not an absolute abundance estimate, more a density estimate. A spotlight survey is done while driving around at night with spotlights and how we keep track of deer abundance. Those are done in all deer management units and on wildlife areas. It begins 30 minutes after sundown. Commissioner Gfeller – How does distance figure into this? Schultheis - You find a deer on rangefinder, estimate the angle from where you are and the distance and that allows us to use procedure and methodology to come up with deer densities. If you have enough observations, it is a more useful, functional and reasonable estimate. Routes vary in length, shorter on wildlife areas and a bit longer outside those areas. We rely on public roads and try to overlap with peak deer activity. We avoid firearm season. What we produce is deer management unit figures for density of deer. Levi takes the information and uses it for estimated number of deer in the state on annual basis. We are not collecting information on how many individuals are

out there. For some species we have ability to do so. We manage for the male and female populations differently, so it is good to have an estimate of both. Another is the aerial survey, with an airplane. It needs to be low, 45-foot to 500-foot range, so a little skill involved. Flying one square mile units, cell to cell, looking for Canada geese (or other species) when they are initiating nesting. We use stratified sample of habitat metrics to decide where they are and look for the presence of water. We do 150 aerial surveys a year in April, that coincides with peak nesting. We take examples from urban and rural areas and utilize information to get an annual population estimate. Our most elaborate survey design, to locate prairie chickens on the landscape, is a helicopter survey. We fly transects randomly in selected cells that are 15 km and 50 km looking for abnormally large prairie chicken areas. The survey occurs March 15-April 15, during lekking period, a morning survey. It relies on similar distance sampling, and we also mark recapture technology baked into the process. This came through the range-wide conservation plan for lesser prairie chickens, and we have since adopted it for greater prairie chickens. The range-wide plan involves five states in the prairie chicken region and has been conducted every year since 2012, except for 2019 because of Covid. The greater prairie chicken survey occurs primarily in Kansas and a small part of Oklahoma on every three-year basis. Lesser prairie chicken surveys are done every year. Our population estimate with confidence intervals are broken down by region and we produce estimate for each eco-region. Techniques we utilize for a particular species group has a lot to do with management decisions and things like feasibility reliability, when it has to happen or what time of year and we have to be able to afford the survey methods. We can use multiple survey efforts for some species. We have an extensive calendar of surveys we do, and it falls on statewide coordinators, wildlife biologists, public land managers, law enforcement and fisheries biologists. We use information to make harvest management decisions, habitat conservation and prioritization, for status assessment and lots of other things as well. We continue to assess the best methodology and look at new technologies as well, like thermal optic cameras, drones, satellite imagery and analytical techniques are constantly changing. We are using the best technology and providing the best information. In the last 4-5 years we have either funded or participated in research projects specifically meant to address our surveys and we can improve them. We use the best technology and best information because we want the best results. All of our surveys are available on our website, so publicly available. One component of the folks that coordinate the research and survey work here in Emporia, and most employees who work for the agency, is helping with these surveys in some way. Applaud them and their work.

Unknown – Are spotlight surveys done on main roads or other roads? Schultheis – We try to stay away from main roads with a lot of traffic, use best back roads with least issues of disturbing people. At times they need to be adjusted because of development in an area, especially in eastern and northeastern Kansas. Those areas are where we are looking at utilizing thermal technology to avoid conflicts with landowners and residents. Commissioner Sporer – I question the rural mail carrier survey because none of the ones I have talked to participate in the survey. Do we have information on how many are out there and how many do the survey? Schultheis - Kent has that information. Kent Fricke – Historically we have run the mail carrier survey since 1960s, and we have had tremendous input. We have had about 100 to 110 responses each year, for each of the four times a year we do the survey, sometimes only around 90. There are a lot

who don't participate. It is a voluntary program. There have been no increases in variation. If we saw a drastic increase in variance we would have concerns, but it is relatively consistent participation, and we have confidence in the results. Commissioner Sporer – None at my local post office do it. So, that is my red flag. Fricke – We can talk to them and tell them how data is used if you wish. Commissioner Escareno – Have we ever considered putting cameras on rural mail carrier vehicles, then we don't have to rely on them to provide the information? I believe we don't get participation because of time it takes to do job and do survey. Schultheis – We looked at camera technology and use of AI and other programs to help with that problem. We rely on cameras for a lot of surveys, but the problem is they produce an exorbitant amount of information, and it takes time to go through all of that data. We continue to consider technology like that but at this point that is not something we discussed. We can consider that option as well as other technology as it develops. We appreciate comments. Commissioner Escareno – How often do we use drones for surveys? Do we own a drone? Schultheis – A dozen or so. We have licensed drone pilots in the agency and have used them for multiple purposes. Law enforcement activities is probably the highest utilization of drones. Some of the difficulties with drones are line of sight and capacity to go long distances, which are limiting factors for use on surveys. There are a couple times of where we have used contractors for surveying for prairie chickens in wind energy areas. Sometimes the issue of scale comes up when trying to survey an area, with limited capabilities and they are cost prohibitive to use.

Break

2. Emporia Fisheries Research – Jeff Koch, assistant fisheries division director, research (Exhibit L, PP – Exhibit M). Handed out a blue folder with our annual report in it (Exhibit N). Have nine full time fisheries employees in Emporia. Talking about 10 different projects. Talk about effects of sonar, heard good conservation earlier and talked to Jim at break. Talk about stocking evaluations, walleye and saugeye, freshwater drum, human dimensions and cross over with invasive species projects and finish up with invasive species updates. We did a small survey of our own, conducted by Ben Neely, did in a controlled setting and some boats used live sonar, and some didn't. Ben gave a report at a previous meeting about that. One of the shortcomings of the crappie project is we ignored social considerations when it comes to live imaging sonar. I will talk about our blue catfish project, which is a mirror image, we had a bunch of people fishing, some with live image sonar and some without, done at Milford Reservoir. We wanted to study the perception of live imaging sonar by users and review the crappie study and effect on the casual weekend angler. We don't really have any evidence that live image sonar has any negative effects on our crappie population, they grow fast and have high natural mortality. The biology says that harvest restrictions, especially on large reservoirs are not needed and it is mainly a sociological issue. We altered the study design a little for the blue catfish experiment, catch metrics were similar and teams using sonar averaged about used 32 kilograms per angling period compared to 37 ½ for those not using it. So, no evidence that it affects the catch. Anglers with live imaging sonar spent more time looking for locations than those without, not groundbreaking. We did quantify that anglers with sonar said they would expect similar catch than those who didn't, but the ones who didn't have it thought they would do better with it. So that sheds a little light on psychology of live scope. Both studies are published in peer-reviewed literature, one in fisheries magazine and one in North American Journal of fisheries management. The second project, percids, or walleye and saugeye. We take walleye mother and sauger father and cross them to make hybrid saugeye. Walleye love big reservoirs with good water quality and good habitats, and we don't have a lot of those in Kansas, and they don't live well in turbid waters. The hybrid saugeye do well, especially in small impoundments so we stock

them across the state instead of walleye on eight federal reservoirs. As fisheries management agencies we need to think about what we can do to make those populations better and stocking hybrids could be a solution. We did a study; the objective was to stock 50% saugeye and 50% walleye and see what happens. We picked Clinton, Melvern and Pomona and stocked 6-10-day old fry, spawned on same day they were stocked, so everything was controlled. We looked at what happened using fall night electrofishing data, so age zero in the fall, hybrids did well in the reservoirs and excited about how those are growing. Those fish have been in there for three years, some saugeye up to 20 inches. Fresh water drum, on species preference list from licensed angler survey those at the top are largemouth bass, crappie and channel catfish and freshwater drum is not on there. So, why do research on this fish. There is a movement in fisheries professional to look at some of these non-traditional sport fish. We don't know much information about them. Recently, in Minnesota some scientists started looking at big mouth buffalo and we have them in Kansas as well. They found out they can live over 100 years, and they are not recruiting at regular spaced intervals, so might get spawn every 10-20 years. One of those things in nature of conservation we need to examine. We had an opportunity to do a study, so shift in paradigm of fisheries management throughout North America, to investigate rough fish populations to see if something we need to protect them in the future. Otolith of freshwater drum at Lovewell, aged it at 41 years old, it was seven pounds. If we can get some information in front of anglers next time they are fishing for walleye and get upset when they bring in a drum that might be older than them or their kids, they might have a little more appreciation for the species. Trends show, when good periods at Glen Elder they are good at Tuttle Creek and when bad the same at either one. Fisheries biologists and conservationists think that gives insight of broad climatic or other factors or whatever and some of these long-lived fish give insight into native fish conservation. What might be good for drum might be good for walleye or catfish, etc. so, studying ecosystems, a little more holistically. I have a couple university studies we are collaborating on. One is at Kansas State University graduate student, where he has implanted 120 acoustic transmitters into fish at Milford and Tuttle Creek with objective of to give anglers a good idea where blue catfish, channel catfish, walleye and saugeye are at in these reservoirs. This is overlap of species with blue catfish on the horizon. Milford has had blue catfish for 30 years, but we don't understand how they might affect channel catfish or anything like that, so using telemetry data. We also have a sister study to this examining food habits of blue catfish and if they are having negative or positive impact on some of these other fisheries. At Milford and Tuttle Creek, we catch the fish, put a small surgical incision and blue tag them. So, if you catch one of those, we want the tag back. We are collaborating with the University of Nebraska, Lincoln, to do human dimensions project to examine holistically if catfish angler attitudes and preferences are the same throughout the state and the way people are using them and prefer to use these fish is a mystery. Survey started last year and is going on for the next three or four years to examine where catfishing is important to anglers, what preferences might be, where people might be fishing for them. If you get a survey, please fill it out. Another human dimensions project is on our trout program. Since 2011, trout permits have tripled and quadruples and revenue has stayed consistent because costs are going up, so something has got to give. Objectives of the study is to inform palatable solutions to rising costs of our stocking program. What we did, with great participation from our division, was put boots on the ground and talked to 500 trout anglers throughout the state. First, they wanted to know how we

prioritized stocking locations. Said we should prioritize near population centers and around unique opportunities. Something different, like seep streams or outlet streams. We also got information on frequency and timing of stockings in the future, with emphasis on January and February, or November and December. Most people said November/December was hunting time. Last we asked size of trout people want. We can buy a few cheaper trout, a few small, or lots of small or a few big trout. They wanted fewer bigger fish so we can take that into account. Another human dimensions study is a Kansas River user survey, from the dam to the mouth of the river. We don't have a lot of information, especially as it relates to people's perceptions on invasive carp. This study was funded by a USFWS grant to look at perception from anglers and we tacked on some other objectives. That stretch of river has a diverse user base, it is comprised of traditionally under-represented user groups. About 50% were non-white and 20% were non-English speaking, which is important. We asked their perception of invasive carp and 90% of white people were aware of the issue but the non-white users only 40% were aware. So, we need to take that information and tailor our outreach about those invasive species to the community using the river. We did survey on a boat and there are three access points where everybody was and hardly anyone in between those. We could improve safe access in that area and move the needle. Trends relating to people's perceptions of invasive carp are mixed 50/50, some use them for bait, and some like to see the fish jump out of the water. It gives us a lot of information to study and ways to tailor outreach. On our aquatic invasive species outreach and preventions have some novel things we are doing right now. You might have been fishing at some of these locations and either got interviewed by technicians or they were examining your boat for invasive species in attempt to educate the public. We have solitary units we put on trailers, called CD3, we put them out on the reservoirs, they are solar powered and have a vacuum in them so they can suck the water or aquatic plants or mussels or whatever off your boat. They are self-sustaining and we can move them around to different spots. These programs will continue for the next few years. We were fortunate to get grants for invasive carp research for 3-4 years. We hired a couple of term invasive carp personnel who are doing awesome things. First, they are working on the Bowersock Dam, where silver carp are trying to get up it. Fish try to get upstream to thrive, but this is a physical barrier, but not a lot of evidence. If we have another flood like 1993, it will be another story. One thing we are looking at is the physical deterrent and looking at acoustic barriers, because they don't like annoying noises, so possibly scare the fish away. Trying to put a simple barrier that prevents large body fish from jumping over in high flows but allows smaller native fish. That is still in planning process. We have removal crews out there who have removed 40,000 pounds of invasive carp from the Bowersock Dam to WaterOne Dam in a little over a year, so making a dent. I want to note the Neosho Basin Telemetry removal project. There is a small population of big head carp in Grand Lake that migrate into Kansas through the Neosho River. Occasionally paddlefish snaggers will catch one from 70 to 110 pounds. We need to get a handle on this population, so they don't have a chance to spawn. It does seem like there is limited recruitment and so far, it hasn't exploded like the Kansas River. We want to get our hands on some adults and put transmitters on them so we can follow them around so we can make informed decisions on removal of that population. I would like to note our excellent employees here who make all these programs work. Commissioner Sporer – What is downside to saugeye in all reservoirs in Kansas? Koch – There are a few philosophical arguments. We need pure walleye brood stock in some of those in order to make those saugeye. There is some uncertainty around the genetic implications to downstream populations or native sauger or walleye populations, so there are a couple of concerns.

3. KAR 115-25-7 Antelope; open season, bag limit and permits – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit O). First time for this

regulatory process. We have had a pronghorn season since 1974 and a four-day firearm season since 1990. The firearm season has traditionally started the first Friday in October. The archery season was nine days long from 1985 to 2004 and ran through two weekends prior to the firearm season. In 2005, archery season was reopened on the Saturday following the firearm season and continued through the end of October, but this extended season was eliminated in 2023 season to reduce harvest pressure. A muzzleloader season was initiated in 2001 and begins immediately after the archery season on that Monday and runs through Thursday. So, muzzleloader only the first four days and the second four days overlap with the firearm season. With the exception of eliminating that extended archery season, this regulation has been stable over time and consistent with no major changes. Permit numbers for this 9-day season this year can no longer double dip in terms of applying for a firearm permit or getting a preference point and an archery permit during the same year. Our permits dropped by 28% this year so it did have some impact. As populations have declined, we have had more complaints about high archery pressure in certain areas of the state. This, over time, will address some of those social issues that archery hunters are concerned about. Some of them have requested going to limited draw, which might be the next step. The pronghorn reproduction has been better this year, after five to six years of poor reproduction due to drought. Hopefully better weather and hope we don't go down the path of having to limit hunters any further. We propose unlimited archery permits be allocated for both residents and nonresidents. Firearm and muzzleloader permits will remain restricted to residents, with half assigned to landowner/tenants and the remainder awarded to general residents. Firearm and muzzleloader permit allocations will be determined following winter aerial surveys. Season dates were established in a durable format, actual season dates will be September 21-29, 2024, for the archery season; September 30-October 7, 2024, for the muzzleloader season; and October 4-7, 2024, for the firearm season. Commissioner Sill – Do you have many of the landowner/tenant allocation that does not get used that makes them available to others? Peek – All are used. There may have been a rare case in muzzleloader permits in Unit 17 that didn't get taken one time, but most get used every year.

Unknown – What is archery success ratio, and do you break it down between conventional archery and crossbows? Peek – I do and if you look online, you can find specific information on archery. Total archery success has increased 18%, traditional equipment is 5-7% lower than crossbow users. It is hard getting within 50 yards of the animal, so there is little difference in success. Detailed information is in harvest report available on our website.

4. KAR 115-25-8 Elk; open season, bag limit and permit – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit P). Elk were first reintroduced on Fort Riley in 1986, and we have had a hunting season since 1990. Fort Riley is where most of the elk are hunted but we have elk scattered around the state, with a few exceptions including parts of southwest Kansas where there are some good size herds. We have allowed liberal harvest opportunities, but we continue to protect elk around Fort Riley and Cimarron National Grasslands, which is closed to hunting. History has been to protect elk until crop damage complaints became a problem and those populations were depleted. Current harvest management system has been in place since 1999, expanding season dates and permit availability to allow elk causing crop damage and other problems to be harvested. We have protected elk to a higher degree around Fort Riley and Cimarron areas, which seems counterintuitive. What we

have done now is to effectively promote them. Landowners know that there is a benefit for them to maintain a few elk because they have the ability to hunt them and want to next year so they can't kill them all this year. With liberal opportunities on private land, have confidence they have ability to control if they think the population is too high, so they can find someone to hunt on their land and maintain elk at tolerable numbers. The net result is elk have increased on private lands the last 15-20 years. So, there is good population in good condition. We don't currently anticipate any changes to season structure, bag limits or permit types. The season dates are durable and provided in briefing book. Typical permit options, elk permits will be available only to Kansas residents, and permit applications will be separated into military and nonmilitary applicants for limited draw permits on Fort Riley. The Unit 2 permit recommendations will be determined at a later date when we know what success rate was on the Fort. Also, sometimes Fort Riley conducts an aerial survey and that weighs into our considerations as well as crop damage complaints around the Fort. We will be back with permit recommendations at a future meeting. An unlimited number of hunt-on-your-own-land antlerless-only and either-sex elk permits will also be authorized in Units 2 and 3. An unlimited number of general resident and landowner/tenant antlerless-only and any-elk permits will be authorized in Unit 3. Commissioner Sill – In Unit 3, landowner/tenant tags, are they resident only? Peek – Nonresident tenants can get permits, by statute, they are not necessarily classified as a nonresident. If a tenant, by law tenant is not nonresident but general nonresident as well as nonresident landowners.

5. KAR 115-25-9a Military deer seasons – Levi Jaster, big game coordinator, presented this regulation to the Commission (Exhibit Q). Introducing now to get jump on regulation promulgation issues we have been dealing with. We address all deer seasons on military subunits under one regulation. Personnel at Smoky Hill Air National Guard, Fort Riley and Fort Leavenworth are typically contacted in December to provide initial information on the season dates that they would like to adjust to any training actions they may need to work around. So, I will bring recommendation to next meeting.

D. Workshop Session

1. Deer 25-series big game regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit R). Durable regulation has been set up and we so no change to this. The season dates for deer hunting during 2024-25 season, following the regulation are: Youth and Disability, September 7-15, 2024; Muzzleloader, September 16-29, 2024; Archery, opens concurrently with muzzleloader season on September 16, 2024, and runs through December 31, 2024; Pre-Rut Whitetail Antlerless-Only (WAO), October 12-14, 2024; Extended Pre-Rut WAO (only in DMU 12), October 15-20, 2024, since need for additional doe harvest in that unit; Regular Firearm, Wednesday after Thanksgiving, December 4-15, 2024; 1st Extended WAO, January 1-5, 2025; 2nd Extended WAO, January 1-12, 2025; 3rd Extended WAO, January 1-19, 2025; Extended Archery (DMU 19 only), January 20-31, 2025. There is not any change we will be bringing forward. Would it be okay to not bring this back to upcoming meetings? Chairman Lauber – It is okay.

2. Big Game permanent regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit S). These are 115-4 regulations. Only considering change to equipment regulation, 4-11. Comes about because of muzzleloader materials that projectile can be made of. Currently the language is, tumble-on-impact, hard-cast solid lead, conical lead, and sabot bullets. There is concern this does not allow for non-toxic options, since it specifically mentions lead. We are leaning towards striking the word “lead” from the

regulation. I wanted to ask the Commission if they thought that was enough to allow non-toxic bullets or if we need to dive deeper into the wording. Not sure if we want to say, non-toxic projectiles or leave it up to deer group to decide what they want to do. Chairman Lauber – Leave it up to deer group to decide. Commissioner Sill – What other options out there that may not be included? Jaster – There are a couple of non-toxic round balls not widely available. The main concern was brought up that it specifically mentions “lead.” Commissioner Sill – What bullets do we want to exclude? Jaster – Not aware of any. I am not aware of many we want to exclude, unless you know of something that is not going to hold up to killing a deer, we trust our hunters to use sharp broadheads. Most people are going to want to use the appropriate gear to shoot their deer and not just wound them. Chairman Lauber – Leave to deer group to decide.

3. Carcass Movement Regulation – Levi Jaster, big game program coordinator, presented this update to the Commission (Exhibit T). Working with Dan on language for regulation. He brought up several concerns. So, we need to do more in depth dive into what other states have done as far as how they have implemented it. As far as Kansas, there are other regulations and statutes involved so we have got to do some work on this. We also have to define several things like wild cervid and such, because that is not necessarily in our regulation right now. I will continue to work with Dan and get things ironed out so we can go forward with this so it would accomplish the goals of the regulation and be enforceable. We have carcass movement exemptions, and we went through those a lot as to what can legally be moved. Chairman Lauber – What is reason we have chosen 30 miles to take to a processing plant? Why not 40-mile circle to encompass more potential users? It doesn’t defeat the purpose and it might enable people to get to their processor more effectively. Jaster – One of the issues Dan pointed out was enforceability of a buffer like that. Plan presented a couple years ago was to limit to within the units. Chairman Lauber – Is it possible to say, transport to licensed processors? Help them while they are still around. We don’t want processors to withdraw from processing deer with more restrictions. Jaster – That was part of reason why we put in 30 miles. Chairman Lauber – So, 40 miles wouldn’t matter in the big scheme of things. Jaster – Looking at several cases but we kept hitting municipal areas and 30 miles fell into the level of movement without having restriction. It wouldn’t make any real difference because we get to a point that 100 miles, in some cases, you won’t be in the same unit or even the neighboring unit. Commissioner Sill – Does direction of movement make much difference, west to east was more problematic in the past, if going west, does it matter as much? Jaster – Less concern if going into positive CWD area, but still concern moving around like that. There are some different strains of CWD that as deer develop it there is some resistance to it, which means they live longer but still die in the end. A new strain can come in and if we completely ignore resistance because it is affected differently, it gets into some genetics. Also differences within different strains, so there is concern about taking something into a new area. Chairman Lauber – Your game plan is to refine this and bring to future workshops. Jaster – Yes, that is the plan.

4. K.A.R. 115-2-3 Camping, utility, and other fees – Linda Lanterman, parks division director, presented this regulation to the Commission (Exhibit U, PowerPoint – Exhibit V). Go over this one more time. Proposed changes for camping regulation, keep in mind we have not raised any camping rates since 2016. In 2019, we had historic flooding and then Covid. We try to

look at this regulation every three years. The daily camp is at \$10, all our neighbor states are at \$15 or higher. We propose \$15. We want to do away with the annual camp, the average night stays are less than 60 days and that makes the value of it less \$5 a night. We are the last state in the nation to have that. We would like to increase the 14-day, want to keep \$2 a night value for individuals. That will put it at \$182. We want rent-a-camp for \$15 to \$25. Our seasonal camping program will increase to \$100 a month across the board. Keep in mind those individuals have to buy an annual camp permit and we won't have that anymore so they will have \$100 a month increase, so not as much as it seems. The seasonal camping permit, approved by Bureau and Corps of Engineers, an individuals can stay for 30 days at a time with a contract from April to November. We are just finishing up that program and I have El Dorado's numbers but no one else. They are the highest at \$606 a month, now proposed \$706 a month. That is because they have private industry competition around them, and we don't want to undercut them. We need to move this forward. We are going live in December with regular fees and will change these once they are approved. Dan Riley, Chief Counsel – Do you authorize moving this to promulgation process? Chairman Lauber – Absolutely.

5. Public Lands Regulation KAR 115-8-26 – Ryan Stucky, acting public lands director, presented this regulation to the Commission (Exhibit W). We have been presenting this regulation since April. The nonresident waterfowl access regulation would restrict nonresident hunters to waterfowl hunt on KDWP department lands and waters on Sundays, Mondays and Tuesdays. At Garden City we mentioned we were going to present the actual written regulation, but due to some of the language on some leases we asked Terry Bruce to come in and help us with federal regulation codes on federal lands. We also looked at WIHA and iWIHA areas with a little over a million acres in Kansas, with iWIHA having a little over 26,000 acres. We had concerns with implementing those areas within this regulation and so did the wildlife division. We got together and decided to leave those areas out of this regulation. So, now only looking at department lands and waters with our federal partners but excluding WIHA and iWIHA. This also does not count during the spring snow good conservation order. We had calls recently about who would be considered nonresidents when it comes down to the nonresident active military, nonresident lifetime license holders and nonresident college students, they would all be considered as residents, which would follow suite with other privileges the department has. This proposed recommendation will have the least negative impact compared to other potential restrictions we vetted for the last several years and earlier in 2023. We looked at several other states and didn't feel we wanted to do what they are doing to restrict nonresidents. We want to look at three-day restriction which allows them to hunt every week of waterfowl season and felt that way they could get here when the migrations are heavy, and the hunting was best. Charman Lauber – So, you will workshop again? Stucky – We are going to workshop this again and then come back with written regulation. We have to meet with the U.S. Fish and Wildlife Service, Bureau of Reclamation, and Corps of Engineers in the next month or so. Commissioner Sill – Can you give a brief explanation of why you are excluding WIHA and iWIHA? Did you get any input from cooperators? Stucky – When we were visiting with the wildlife division their concerns were how it was written and those contracts and who was allowed on what different hunts on those specific properties. They didn't have concern with the over-pressure on some of those with goose hunting but felt it was reasonable to exclude those properties because of potential increase. Commissioner Sill – Some of that pressure could create issues. Stucky – It could, and we won't know what it would mean, so we will get through a season and see. Commissioner Sporer – You mentioned in the past, do you plan to request that the Kansas legislature amend the waterfowl habitat stamp regulation and fee to establish a nonresident migratory waterfowl habitat stamp at a higher fee than residents? What is deadline to get this

done to get into action for next season? Stucky – That is why we need to get action at January meeting and into promulgation process. Commissioner Sporer – Deadline? Riley – Not hard and fast deadline, because it takes different amounts of time depending on the regulation, depends on how much economic impact and that adds another level of review to the process. This regulation will catch some heat in terms of the trip before JCARR committee in the legislature because of potential economic impacts and fact that it involves nonresidents hunters, a hot button. It will not make it through the process very fast. Commissioner Sporer – That is what concerns me. Riley – We will get it done as soon as we can but want to get it done right. Would like to have for 2024/2025 season. It is a balancing act. We can't change it after we put it into the promulgation process. Chairman Lauber – Get right and quick. Assistant Secretary Schrag – In this process we started looking at certain things on department owned property. When we started asking federal partners to follow suite and agree to this regulation, we have to look at all the code of federal regulations and varies from the Bureau of Reclamation to the U.S. Fish and Wildlife Service. We feel we vetted that internally where we are now ready to have those conversations. We feel we are on good ground when it comes to the proposed regulation and hopefully our partners will buy-in. That has delayed this process because of that code of federal regulations. We had Terry look at it and had a lot of Zoom conversations. We feel in a good place right now. Stucky – Terry, thanks for your help. Commissioner Escareno – I want to know, on WIHA and iWIHA properties, you mentioned contracts with those individual landowners and language in those contracts. Do we pay landowners for that WIHA and iWIHA for access for hunters to go on those properties? Chairman Lauber – We do pay. Assistant Secretary Schrag – We pay them, some variability in the rates depending on whether it is pre-qualified as premium habitat or basic. We pay annual payments on the renewal of contracts on private land. Commissioner Escareno – Is it a standard fee or negotiable with each landowner? Jake George, wildlife division director – Rates vary, depends on part of the state and how hard to acquire access in the area, premium paid in eastern portion of state versus western. Variation with the per-acre rate based on type of habitat, type of opportunity it provides. Properties are assessed by biologists who work with the landowner to establish the contract.

Chairman Lauber – We have six pending regulations that we don't discuss anymore.

6. Pending Regulations (Exhibit W) – Dan Riley, legal counsel –

- K.A.R. 115-4-11 Big game and wild turkey permit applications
- K.A.R. 115-7-3, 7-2, 7-9, 7-10 Aquatic Invasive Species Regulations
- K.A.R. 115-25-14 Fishing (Reference Document)
- K.A.R. 115-5-1 Furbearer regulations
- K.A.R. 115-25-11 Furbearer Regulations
- K.A.R. 115-8-1 Public Lands regulations (Reference Document)
- K.A.R. 115-30-4 Fire Extinguishers; Requirements
- K.A.R. 115-30-10 Personal Watercraft; Definition, Requirements and Restrictions

VII. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Commissioner Sporer – Deer baiting, and the thought of not feeding wildlife is set back at the moment. I realize after we went through that there is an aspect of fair chase I didn't consider. Where we have feeders on timers, we have cameras that go to cell phones and feeders out there that open up during the day and close at night. Is there any interest in the commission or staff to pursue fair chase in deer hunting? Chairman Lauber – There is interest but don't know how to go about it. Assistant Secretary Schrag – It is at the discretion of the Commission to have those conversations. Commissioner Sporer – I have an interest in doing it. Chairman Lauber – I like staff to make the recommendations only because they are the people who are hands-on and can give us their best thoughts. Assistant Secretary Schrag – From personal standpoint and being with the agency for 30 years. It seems like state agencies are leery about talking about fair chase and fair chase issues. That is unfortunate and we should be able to have those conversations. In the North American model of wildlife conservation, fair chase is a big part of that. I don't think we should be afraid to discuss fair chase. Commissioner Sporer – It is evident listening to debate on banning baiting, I didn't realize you can't kill a deer unless it is over a bait pile. I didn't realize real hunting that is not real anymore, just bait them and figure out what time they are there and go shoot them. The start would be what other states are doing. Nebraska has a regulation that you can't shoot over bait piles within so many days of so many feet. I know there are other places have that. I am interested in pursuing that. Need to look at that. Commissioner Sill – Fair chase is extremely important to maintaining hunting in a means that is going to be acceptable to nonhunting public. Outdoors men and women are in the minority, and we need to be cognizant of fair chase. I will be happy to engage in conversations outside of this meeting, however those conversations might be better held in collaborative conversations like public education in the form of hearing input versus commission discussions. From recent experience this is not a great place to have back and forth conversations that are well heard. It is difficult to hear one another when we are concerned about being on social media and taken out of context. Supportive of state agency sharing, teaching and educating about fair chase. I'm not sure commission is the place for that to happen. There are other states like Arizona and Michigan, where some of their regulations say they are related to fair chase, and probably other states as well. As a commissioner, I am supportive of ongoing conversations. As an agency we are negligent if we don't. Who else can we count on to talk about ethics and fair chase and hunter education in programs. We will not always agree, but it needs to be in positive format. Not sure commission is place that should happen. Chairman Lauber – I'd be willing to have future discussion with Stuart and consider public meetings and round table discussions. The biggest item right now is baiting, and we have a posture going forward and still analyzing information. Nadia sent a response to a constituent that said the same thing, we are trying to get information to do that. Some people said good for deer hunting, other people say it is fair chase and I don't know how to go about it. Stuart, maybe in a week or so we can talk on the phone. Commissioner Sporer – Is it fair for me, as a commissioner, to give paid staff direction that at the next meeting I would like to hear what surrounding states or doing about harvesting over bait? If that is appropriate, I would be happy to wait. Chairman Lauber – Let Stuart take our thoughts and comments and run with it. Assistant Secretary Schrag – I would be happy to have that conversation. Commissioner Sporer – I see a huge problem with fair chase in Kansas and shooting deer over bait piles. Why is there a federal regulation where you can't bait waterfowl, but we can bait deer? Chairman Lauber – We are going to leave it here. There will be more discussion in the future. Appreciate your comments, Troy.

Chairman Lauber – Had discussion with Dan about meeting during deer season but there were some things we needed to get done at this meeting done. In the future, towards end of month, but not during deer season, it is a bad look for the agency. Law enforcement can't be here because it is their busiest week of the year. Like to have more staff here to interact with the constituents.

VIII. OLD BUSINESS

None

IX. OTHER BUSINESS

A. Future Meeting Locations and Dates

January 25 – Sabetha

March 28 – Topeka

April 25?? Salina

X. ADJOURNMENT

Adjourned at 3:48 p.m.