

**Kansas Department of Wildlife and Parks
Commission Meeting
Thursday, January 25, 2024
The Meeting Room on Main Street
16 Main Street, Sabetha, KS
including a
Virtual ZOOM Meeting Option**

Approved Subject to
3/28/24 Commission
Approval

The January 25, 2024, 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, Delia Lister, Warren Gfeller, Lauren Sill, and Troy Sporer were present. Commissioner Phil Escareno was unable to attend.

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – Jake (George) will be presenting the Commissioner (Big Game) Permit Update in General Discussion in place of Stuart. Also, there have been a few edits made to (KAR) 115-8-26, nonresident waterfowl hunting. The handouts I have given you and those on the table are different than what is in the briefing book.

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

IV. APPROVAL OF THE November 30, 2023, MEETING MINUTES

Commissioner Warren Gfeller moved to approve the minutes, Commissioner Delia Lister seconded. *Approved* (Minutes – Exhibit D).

V. DEPARTMENT REPORT

A. Administrative Rules and Regulation Procedure – Pursuant to K.S.A. 77-421 – Public Hearing

None

VI. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Dave Studebaker – I have been here before talking about catfish tournaments. I run Catfish Chasers tournaments in Kansas. The Midwest is biggest tournament series. Here to discuss recent rise in special event permit fees. Why did you raise them so high? I provided a handout (Exhibit E). Last year I got permits well in advance. For 19 years, paid \$11.50 for fishing events at state parks. This year, I got a permit and it has increased to the point it will cost me \$200 for every event in the state. The permit says, 1-10 boats \$25, 10-20 is \$100, more than 25 boats is \$200, we average 50 boats per event. About 30% of them are out-of-state participants, they purchase out-of-state licenses, use cabins and facilities, and that stuff. We generate money for Kansas. I am an LLC, do 1099s and pay taxes on the funds I make. In tax dollars, this equates to \$1,739 per increase for me to have an event that is non-evasive to the public access. We don't use power, no running water, relative minimal usage other than the boat ramp. How do you justify a 1700% increase if I don't get anything in return? My anglers also pay a \$5 access fee to get in, so you are making \$250 plus dollars off that event. I do believe they needed to raise the fee, \$11 wasn't enough. What difference does it matter if there is one boat or 100 boats? We don't get sole use of the facility, so I am not locking out the public. I set my stage away from the public as much as possible, so we are not affecting other users. I am a business, and on the water I provide insurance, a \$5 million liability policy. Everything we do should generate revenue for the state park, not cost them. On the website it says, negotiable based on event type, required service and loss of revenue, but on the permit form it says number of boats with a fee listed; that seems to be singling us out, there is no negotiation on the form whatsoever. Curious of reasoning for increase? What am I going to get for my \$200? I have six events this year and this will cost me \$1,200 to bring people to your state park. I am bringing money to the state. Commissioner Sporer – What are entry fees? Studebaker - \$500 per boat. Commissioner Sill – Eleven years ago how much were those fees? Studebaker - \$100 and we had 150-boat events. Charged \$200 three years ago and had biggest fishing events in the Midwest, but not able to do that anymore, so only having 100 boats on any body of water is a big event. I had 126 on Milford once, cut back on that because the lake isn't big enough. Anglers are getting large dividend at the top end, so we had to raise the entry fee to circumvent not having as many participants. I limit to 50 boats now, 51 with me. Commissioner Sporer – So 50 boats cost \$200, that is \$4 per boat. So, at \$11.50 that is \$0.46 per boat. You say \$0.46 is too low, \$4.00 per boat is too high. What should the fee be? Studebaker – I would be happy with \$50, for 25 boats or more. That would be \$2 a boat plus \$5 entrance fee for each person. There are bass tournaments also, but they don't have this kind of turn out. I am the tournament guy in Kansas. Those smaller tournaments with 25 boats aren't going to be able to afford that \$200 with \$100 entrance fees. There is no money left. If you lose participation, \$1,000 prize is not that much money, increased to get that participation. Big picture is there are a lot of events through the season. One of biggest fears is if smaller events can't justify cost, they will take fish to Dillons to weigh, so these will end up kill tournaments instead of catch and release. Come to my event. If they can't afford to come here, participants will go to southern U.S., spend money somewhere other than Kansas. Conner O'Flannagan, Parks (online) – We had pressure from our federal partners on making revenue from these types of tournaments. Heard a lot of feedback, so we are rolling back to the original fee. We are going to look at how we are going to structure those going forward. Those who paid those fees will get a refund. Studebaker – You need to look at other forms of events, don't single us out. Guides make money off of state parks as well, but they use one boat. The other events that should have to pay is when they use state parks to make money. If I have to pay, they should too. There are also party coves on every lake, and they jam up the boat ramps and they don't have to pay additional fees, and some of them are a hazard to the public because of choices they make. They have websites advertising parties online. Where do you draw the line? O'Flannagan – Fee increases are not

there anymore, until we can figure out how we want to move forward. Studebaker – There needs to be structure and needs to be some increase, just not this big of increase in three months. Commissioner Sporer – Maybe it is time to have some increase. Where would you go if you couldn't go to state parks? Studebaker – Corps of Engineers ramps and marinas. We like to use state parks as they are clean and a lot of them are the biggest area on the lake. If we don't make any money, cost themselves out of their pocket or take from participants. Lot of events out there that are not LLCs, mostly handshake and cash in an envelope. I paid out \$139,000 in prize money last year and sent out 1099s for \$130,000. *Unknown* – Cost for event in other states? Studebaker – Kansas is the only state we participate in that charges a fee. I think we should register events, so you know the event is going on. I encourage any biologist to come down and get fish samples, it would be beneficial, but we work on weekends. We provide opportunity, nothing to hide.

Trish Bryant – I spoke with Lauren yesterday. Work for nonprofit, St. Francis for 40 years helping children and family and work with Child Welfare Services. I understand and appreciate opportunity to speak. Here on behalf of my family, farmers in Barton County. I'm sure you are aware of controversy going on near Cheyenne Bottoms with solar panels. A lot of leases have been made to landowners. Right now, there is a pause on everything until it gets sorted out. There have been objections to the solar farm, and I understand Dr. Witt came here and talked to you last summer. I represent family farm viewpoints. We have had our farm for generations and have original document signed by President Garfield when we homesteaded. We rented it out for 25 years but now nephew back on the property. In 2018, home for holidays and solar farm company came and talked to us about it. We signed a contract. Things going along well until county commissioners were concerned about zoning laws in the counties that participate. We are conservationists and from our yard can see Cheyenne Bottoms north of our property. We have won conservation awards and respect KDWP, want to be good stewards of the land. You all know it takes a lot to sustain a farm, we have lost and gained. If this comes before the commission, please notify us because I would like to represent my family and other landowners. Involved in political things in past with my job and I know communicating is the best thing we can do. Commissioner Gfeller – I have question for the Secretary. This issue is in our part of the country and near Cheyenne Bottoms. What is status? Secretary Loveless – Don't know status. Jordan, can you answer? Jordan Hofmeier (online) – I have not heard updates on county status. We met one time with solar company to discuss our role as regulatory agency and our concerns for threatened and endangered species. We have not reviewed anything officially and have seen no documentation on it, no layout or plans. Commissioner Gfeller – Are feds getting involved too because of flyway? Hofmeier – USFWS will have an opportunity to weigh in through multiple processes, mostly with solar company. Bryant – I have done research myself and have not seen anything. Like to see what research would say. We want to conserve and do not want to run birds off. We have tried to get birds not to eat our fall crops, so we put out cannons that would blow off. If there was a drought and we had to plant late fall crop the birds would eat entire field and pull up by the roots, so we put cannon out to move birds, but they just moved back and forth between one field and another. We see birds over Salina. Don't want to disrupt them. Would like to save our farm for my family and generations down the road. Likelihood of

keeping it probably won't happen in 50 years. Secretary Loveless – Glad to share information. When Ecological Services get involved, it will be based on best science. To Jordan's point, can't force developer to share information on the location of that array. We need to see their proximity to the Bottoms. Still waiting on that. Bryant – We are located six miles straight north of the Bottoms and have a piece about three miles between the Bottoms and Barton County Community College.

Jacque Augustine, Audubon of Kansas (*online*) – Two things concerned about. Kansas lands great for fishing and wildlife viewing at Cheyenne Bottoms. There are other state parks, like Cheney, which is overrun by old world bluestem, an invasive species, and we want to make sure you are aware and to encourage something be done. We have had conversations with the parks, and they are looking at possibilities. That invasive species chokes out dozens of native plants. We have had communication with a neighbor of Cheney who is trying to do a native plant nursery and is being threatened by that. The other is prairie chicken. In the past, aerial surveys have been done every three years for greater prairie chickens (GPC) and I know lesser prairie chicken (LPC) are moving to a three-year schedule. This is the third year, will they be conducted this year, and will they look at both GPC and LPC? We would like to get a handle on populations to know where to put our efforts.

Kenny Graham (*didn't sign roster*) – After last commission meeting, we got feedback about meeting being in the middle of the week. A lot of people can't come. The Kansas South Bears Landowner Association currently has about 12.8 million acres we lease and manage. It consists of 41 businesses, which are LLCs and LLPs that pay money to the state. It seems like we are overlooked and won't be anymore. Per the governor, in state of the state, she referred to how important wildlife business was. We appreciate what you do. But when you look at 12.8 million acres, which ranges from 12 acres to 46,000 acres, that gives you a lot of responsibility when setting rules and regulations. Appreciate what you are trying to do. Comment last meeting by Mr. Sporer called out a lot of members on fair chase and wanting to change rules and regulations for fair chase. There are bowhunters that say hunting with guns isn't fair chase. A lot of guys hunt traditional guns, say a scope isn't fair chase. Fishermen say using live scope isn't fair chase. Fair chase is set by individual, rules and regs are there to help us stay in line and protect our game. You have 300,000 acres you manage that is different than what we manage, together is a lot better. A big concern a lot of guys had, at what point does an individual's opinion override a rule or reg? It is like crossbows, a lot of bowhunters don't like them, but well within laws of the state and within boundaries. I appreciate Commissioner Sill's comment on getting out from behind the table and discuss issues. She understands that being a commissioner behind the table is looking at rules and regs and working with the Department is what it is. You are not sitting there to have personal opinions and agendas on fair chase. It is more recommending actions that come from the Department, not ordering them to make recommendations. We are trying to get a good understanding to share with our state representatives and senators too. Chairman Lauber – Our private opinions are not what we deal with but hard to separate sometimes. I just don't have a good way to answer that. Secretary Loveless – On behalf of the Department, it is clear fair chase is subjective. That means opinions vary. We try to look at what is being done across the country as generally accepted reasonable standards. That scale keeps changing with technology available and keeping up with that is a challenge. We feel the best way to address that subject of ethical means of take for wildlife are to consult with other folks around the country and with the public here in Kansas to try to come up with solutions that make sense with us here in Kansas. Recently, we changed some fishing regs and had a long conversation on that, and it worked out well, through state process. There is a lot of give and take and conversations, like the meetings

we have had with guides and outfitters over the last few years. Graham – When those comments come from behind the table, they draw a lot of attention. I know it is hard to separate personal feelings from business. As an outfitter... a business with 41 companies, a lot of money is brought into the state. The gentleman that runs the fishing tournament brings money into the state. The Department gets a percentage of buying fishing poles, boats, etc. You guys are advisors, and these guys are doing the work. I am just a guy trying to do business and represent other people wanting to do business. When comments come from you it makes us aware. I don't want to fight, I want to work. You put together a good meeting with Kansas outfitters, and we plan to have more of those. Commissioner Gfeller – Concept of fair chase is concept we need to consider every time we think of something subjective. Unfortunately, when things get to us, they are advanced to the point we are considering regulations, and the conversation is totally different than considering something that might affect your business. When there is a forum, or way to not jeopardize the public, to have conversation before talking about in context of regulation, better time for us to get on same page. Your business depends on healthy game and good numbers of healthy big deer. When technology comes along that give advantage to the hunter, does that hurt or help our goal of good numbers of high-quality deer? I would like to figure a way to have all constituencies in the room without thinking of specific regulation. Have the conversation about how we benefit game in Kansas. Commissioner Sill – I think a primer that would go along with that is to review what it means for natural resources to be held in public trust for the beneficiaries, who are all the citizens of Kansas, not just hunters and businesses. There needs to be part of that and private entities to balance that conversation. Best things happen when both sides willing to listen to each other. Graham – This goes deeper than Kansas and businesses. Over half the land controlled by the state is federal ground. That land is controlled, owned and bought by the people of the United States. I started 31 years ago and hunted for 57 years; we can't be selfish. What makes Department better, lets parks grow, is money coming into the state. For instance, money needed to build up Lehigh, that money comes not just from the people of Kansas but people who visit here. If you go to the Department of Economic Development, they will tell you September to December is highest tourism times in Kansas, really high revenue times during deer hunting season. People from out of state pay more for licenses and tags and hotels, leases and everything they do. It is my business, hotels, restaurants and the places they buy items from. Much more than just our business, money that comes in from out of state is what drives me, but I have 14 hunters from in state. Secretary Loveless – One of the challenges of having informal conversations with Commissioners is any time we have them together, we can't talk about agency business and still meet the requirements for (Kansas) Open Meetings Act. So, it gets to be a challenge. We will do our best to work with our legal counsel and figure out if there is a way, we can have some early conversations about these topics.

Tony Mann, Kansas Hunting Adventures – Deer hunting is large part of my operation, I have 15 deer hunters, four muzzleloaders, five rifle and six bowhunters on 2,500 acres. I have been in business 20 years. Having tagging issues recently and talked to Secretary Loveless a few years ago. About four years ago, over half of my hunters didn't draw a tag. Financially, for my business, which is a problem. In last 4-5 years, from 2-3 up to 5-6 that did not draw. One year, I had eight of my 15 that did not draw. Read last meeting, somebody brought up transferrable tags.

Years ago, when that was main way of drawing, which was challenging, trying to get the right number at the right time. When you went to regular draw, it wasn't an issue until we started running out of tags. Transferrable tags would help my issue at a drop of a hat. Is that a possible solution? Chairman Lauber – In area of transferrable tags, the Department has taken position of being against those. It makes it hard for deer management. We had them once and problems developed with that. Mann – I understand there would be an influx of more hunters. But for my business, I lease same number of acres every year, can't afford to drop them and if I don't pay, someone else will get them. I know what I am paying out, but I have to have that influx of hunters, or I fail. It is getting to be serious. I have always done this part time, I had a full-time job working for the county, so I could afford a loss for one year because you could make up for it the next year. It is getting to be a bigger problem for me, I have payments I need to make but not having the income because of the tags. I am sure I am not the only one. What are other outfitters doing? Graham – Talk to me after the meeting. Mann – I appreciate that, but you guys are the ones that would have a legal solution to my problem. Are you willing to look for solution on this? Chairman Lauber – We issue a certain number of tags; we have had an increase in demand. Other states with same issue, not alone in insuring a tag. It is still a draw process. Mann – I understand the challenge, in contact with my representative, Lisa Moore and senator, Elaine Bowers. Over the last couple of years, I know that has been a challenge for you. If there is a way an outfitter like me, who has been in business for over 20 years and not breaking any rules, to get my 15 tags. Secretary Loveless – Our conversation with outfitters made sense to me. Converse with each other, do you have room for more, communication is one thing I heard. If you had hunters that don't draw, talk to another outfitter and see if they have anyone to send to you. Demand for tags is going up and the value of your land. As an agency, we don't have that type of mechanism. Mann – The challenge I have is I have the same guys coming for over 20 years and I want to keep them. In early years, had clients I didn't want. The challenge is knowing I am going to have them year after year. Next challenge is going to be baiting issue, which will affect rifle hunters. That is the way they hunt, out of blind watching over corn. I don't know how I would provide 4-5 guys hunting successfully. Corn stubble I could use, or buy crops from farmers to leave, most blinds in pastures, would affect that. Deciding on baiting issue before long? Chairman Lauber – Sitting there, we are trying to get information and studies, but not bringing anything forward. No decisions have been made. Mann – Huge issue, I know your job to make sure we have deer herd. Another thing is turkeys, for nonresidents. Are you going to stick with current plan? I thought I could use that to offset deer hunter losses with turkey hunters. Having drawing for nonresidents, will that continue to happen or is it short term while turkeys rebound? Chairman Lauber – We felt we had to cut back. We hope turkey numbers return. In public comments, nice if we could turn that around and have unlimited over the counter again. Mann – In my area we don't have turkey declines now, had them six years ago but not now. Assume leftover tag possibility in units? I am in Unit 3 for turkey. If you know how many issued in the past versus how many you are going to allow? Easier for me to find a hunter, if aware of possibilities. Secretary Loveless – Expert, Kent Fricke, is in the room. Kent Fricke – I don't have exact numbers in front of me, but the process we followed previously was non-resident tags over the counter, in five of six units, didn't sell on per unit basis. In post-season survey, asked for unit they hunted in. Estimated how many hunted in each unit, took five-year average and reduced by 25%. Our goal was to reduce pressure and harvest in some fashion, we did this through number of permits by restricting nonresidents and where they could hunt within the state. It depends on the unit. In Unit 3, hunters estimated were consistent, 3,000 to 4,000 hunters a year. Because it was consistent, we reduced by 25%. If we had a unit that was 4,000 four years ago and 2,000 last year, that average is going to probably be where the demand is. We don't know exactly but suspect in Unit 3 there is going to be relatively higher demand. That is one of the most consistent

habitat and turkey numbers in the area. Mann – Goal was to drop 25%. So, likelihood of no tags left? Graham – Demand already exceeded in two weeks ago. Mann – With turkey, only a handful of guys come to hunt. I have had my hunters with me consistently. If I could get 5-10 for the season that would help, but probably not going to happen. Commissioner Sill – Our Kansas draw rates for deer, going into turkey, three out of four is still going to be successful in the draw. Our deer rates are still way higher than most states in those situations. I am curious how outfitters in other states have figured that out? Maybe we could learn from those folks, to figure out how they carry on business successfully with more uncertainty than we have here. Something that might be beneficial to us. Mann – I will visit with Graham later. My issue was keeping the same guys I have become friends with. If other outfitters are giving and taking, if too many offer me a couple of hunters to fill my spots. Did that early on, didn't like the guys I got. Want to keep the good people coming. It is a vacation for them, they look forward to coming back. If they can't get tags, mess for them and me.

Gerald Spelneck? (*did not sign in*) – I understand there is going to be a turkey population study starting soon. I want to give a little input. I think the population is down a little because of Walk-In Hunting Areas (WIHA) and no way to limit traffic. A lot of folks hunt the area next to my property and there are 5-20 vehicles there during the hunting season. If half of them is taking birds and deer on that area, not easy to regulate. Hard to keep population up. Five years ago, I saw 30 turkeys, now five birds with two toms and three hens. I know there are predators too but believe decrease in population is WIHA. Our dirt roads turn into highways during hunting season. Hard to keep bigger deer. Take that into consideration when doing study.

Darryl Becker – We would not be in this predicament if it wasn't for people like Lloyd Fox and Department staff handled deer populations in the past and the reason people want to come here. It is a finite resource and the only thing that has changed is the amount of people who want to come here. Kudos to the Department. We must adjust if we still want to keep our resources for people in the state, as well. They are having harder times trying to find places to go. As far as letting more in, you are competing with yourself trying to lease WIHA land. The more permits you give, the more expensive it is going to be, and you have to pay, you are hurting yourself. The worst thing would be to move season further into November. Like I said before, because of the way the Department has handled things is why we have issues today. You guys have done a great job and are on the right track.

Duane Miller – *trouble getting him online.*

V. DEPARTMENT REPORT (continued)

B. Secretary's Remarks

1. Agency and State Fiscal Status Report – Secretary Brad Loveless, presented this update to the Commission. FY 2024 began July 1. Park Fee Fund (PFF), derived from entrance fees, camping fees and annual vehicle passes to state parks. Revenue for December was \$2.2

million, 50% higher than recent year's average. One of the reasons it is high in December is that is when people sign up for the coming year. Fiscal year to date is \$6.85 million, increase from the previous year. End of December balance was \$8.2 million. The cabin revenue is from parks and public land cabin rentals. Total revenue through December was just over \$280,000. Fiscal year to date is just under \$790,000, an increase from previous year. 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 December was \$2.4 million, similar to recent years. Year to date at end of December was \$10.7 million. The cash balance is something we are talking a lot about and one of the reasons the Assistant Secretary Stuart Schrag and Parks Division Director Linda Lanterman are at budget hearings in Topeka today. Cash balance in WFF at end of 2023 was \$22.1 million. We expect to cut into that a little because of increased costs for everything including programs constituents depend on. 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. Receipts through December were approximately \$61,000, an increase from previous years. Average fiscal year to date revenue is almost \$550,000. Balance at end of December is \$2.5 million. Governor provided her recommendations for agency budget for 2025 earlier this month. In hearings Monday with Senate and with House in two weeks. Lots of conversations about budget and trying to educate legislators on what we are recommending and why. Commissioner Lister – Any additional discussions on non-hunter or angler fees, or donations, or whatever you want to call it? Secretary Loveless – No. Great idea but nothing yet. We are having conversations and talking to other states on innovative ways to allow folks who aren't hunters or anglers to participate in supporting the efforts of the state. We don't have any ideas and had a meeting a couple weeks ago with other state directors. We are trying to figure out if there is a place for those users. If they have ideas or willingness that is always easier than getting legislature to agree with it. If user themselves say they want to pay and you talk with groups, and they have any ideas we would love to talk to them. Commissioner Sill – One of those means was already approved, the license places. Do you have an update on those? Secretary Loveless – This is challenging. Based on my recollection, we put designs through the Department of Revenue. The latest I heard; in December the only issue was they only add new licenses twice a year, we asked for January, and they said “no.” So, the best we can hope for now is July. It is a process we have no control over. It is not because they aren't doing anything, we are seeing a proliferation of personalized new license plates in Kansas for many causes. That is keeping them busy.

2. Legislative Update – Dan Riley, Chief Legal Counsel, presented this update to the Commission. The legislature is up and rolling and moving quickly. We took a hit just as the session started, you met Ashley Beason at Emporia, she hit the ground running, but she went to another agency who made an offer she couldn't refuse. So just us guys covering that. Hopefully we will be able to hire another person for that position. We have three statutes related to us (KDWP). Brad testified yesterday on SB 347 at the Natural Resources Senate committee. That bill that would require commission appointees be approved by the Senate. Secretary Loveless – The drift of the hearing from Senator Stephen who initiated the bill was concern that we were going to end up with commissioners appointed by Governor who are against hunting and fishing. They haven't heard that from you but other states. The word I heard was preemptive. They wanted to make sure that people representing the hunting and fishing interests. They mentioned strongly represented was their main concern. In our recommendations, we mentioned that all regulations had to fall under the statutes that legislature controls and our fees are controlled by caps. So, there is a lot of control already, but they don't feel that is enough so are pushing for this idea. Other thing I mentioned, while there, a representative had a bill he was going to initiate that

would change appointment process for commissioners. He said he would recommend having nine commissioners, three appointed by Governor, two by the President of the Senate, two by Speaker of the House, and two by Attorney General. So, we will be dealing with that bill in the near future. Chief Counsel Riley – HB 2541 is before the House committee on natural resources and would establish a state conservation fund in the treasurer’s office. It would be a dedicated fund and related funds that would relate to Wildlife and Parks in terms of peripheral funds connected to that. The bill’s purpose is to establish funding for conservation purposes, a good thing. There would be grant processes tied into that. It would provide those grant funds for things like habitat establishment and general conservation purposes. That is proposed by Representative Blex on behalf of Kansans for Conservation. Secretary Loveless – That Kansans for Conservation group is 25-30 different groups. Groups like DU, PF, TNC, KPRA, Kansas Corn Growers and Kansas Wheat Growers, a whole host of agencies, a coalition of groups. Chief Counsel Riley – HB 2476, relates to Freedoms Frontier National Heritage Area established in 2006. It encompasses 29 counties in eastern Kansas and 12 western counties. It is difficult to follow purpose of it. They want to prohibit any designation in that area of national historic trails, there are five there now. It would require approval of the legislature. It would impact us because within that area we have 14 state parks, wildlife areas and other properties we manage. It would have impact on us if legislature took control of named trails and parks in that area.

Duane Miller (*online*) – Is there any progress on regulations on using drones on deer recovery? Chief Counsel Riley – I don’t. Rich Schultheis (on drone committee) – We haven’t had a lot of activity on that lately. In our regulations summary we touch on this. The interpretation of airborne hunting act and electronic equipment in transmitting the utilization of drone for hunting and retrieving game. We would turn to our Legal counsel on that. We have not had any recent conversations about changes to that regulation to become more permissive of drones. Chief Counsel Riley – We currently don’t have anything in the process on drones.

C. General Discussion

1. Commissioner Permit Update and Drawing – ~~Stuart Schrag, deputy secretary of operations~~, Jake George, wildlife division director, presented this update and led the drawing (Exhibit F). Commissioner permits began in 2006, to provide one elk, one antelope or seven deer permits. Any active conservation-oriented organization or chapters of organizations can apply. We do the drawing for these permits, and they can auction those permits to the highest bidder. They can recoup the cost of permit, keep 15% to use for whatever conservation activities they choose and 85% is remitted back to the agency and they apply for use of those funds as needed. Since 2006, this process has raised over \$1.43 million for conservation in Kansas. This year we received 115 eligible applications. Last year we drew seven deer, and the average sale price was \$47,850, highest was \$51,000, with the total raised being \$321,000. Highest deer permit ever sold was in 2022 for \$55,000.

Drawing Winners (Exhibit G):

Comm. Emerick Cross: (1) – #77, Ducks Unlimited, State Committee Chapter # KS-001 (deer)

Comm. Delia Lister: (2) – #38, Ducks Unlimited, Southwest Kansas Chapter # KS-0003 (deer)
Comm. Warren Gfeller: (3) – #41, Pheasants Forever, Soloman Valley Chapter #450 (deer)
Chairman Gerald Lauber: (4) – #55, Pheasants Forever, Walnut River Chapter #987 (deer)
Comm. Lauren Queal Sill: (5) – #100, KS Bowhunters Association, NE Region (deer)
Comm. Troy Sporer: (6) – #62, Ducks Unlimited, Rice County Chapter # KS-070 (deer)
Comm. Phil Escareno: (7) – #72, Pheasants Forever, Wheat Country Chapter #905 (deer)

Commissioner Sporer – There was controversy a few years ago about the mother chapter taking all the money from the chapter that won and they didn't get any. What did we end up doing about that? George – I am not familiar with that. It would depend on the structure of the organization, some of them are top-down versus bottom-up type organizations. I think that would be a discussion between the chapter and the national organization. Commissioner Sporer – I guess no one remembers that but that is another conversation we need to have. Sheila Kemmis – Sometimes for those chapters more than one person applies, they only get one number and the first one in gets it. We don't have any say what goes on within the organization as far as projects. That 85% that is remitted to the agency is placed in their name and they apply for the funds for conservation projects. The 15% we don't know whether they send to local chapter or keep it in national organization.

2. Webless Migratory Bird Regulations – Rich Schultheis, assistant wildlife division director, research, presented this regulation (Exhibit H). I am here to introduce the webless migratory game birds regulations for 2024-25 season. The regulations for doves, cranes, snipe, rails, woodcock and crows must adhere to federal frameworks, similar to process we use for waterfowl. Unlike waterfowl, stability in federal frameworks allows us to include our webless regulations in our permanent regulations for the state of Kansas. There have been no changes to those federal frameworks, and we do not anticipate any changes to the proposed regulations for webless migratory game birds. The final staff recommendations will be presented at the March commission meeting. I provided summary of the likely season dates in briefing book.

3. Waterfowl Regulations – Tom Bidrowski, migratory gamebird manager, presented these regulations (Exhibit I). Today is beginning of the annual waterfowl regulatory cycle for Kansas and pertains to 2024 and 2025 waterfowl seasons. The U.S. Fish and Wildlife Service (USFWS), with input from the Flyway councils, annually develops frameworks from which states are able to establish migratory game bird hunting seasons. These frameworks establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. A briefing item was prepared including the frameworks and pertinent background material. There are no changes in the federal framework from previous year. Staff recommendations will be provided at March 28 meeting.

D. Workshop Session

1. KAR 115-25-7 Antelope; open season, bag limit and permits – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit J). Covered in detail at last meeting. No changes to season dates or permit types. This will be the same as last season. I don't have permit allocations for firearm and muzzleloader permits yet. Trying to get aerial survey completed but the snow cover out west has been a problem, we need the snow to melt in order to see the pronghorn. That is the holdup at this time. Will have permit allocations at next meeting.

2. KAR 115-25-8 Elk; open season, bag limit and permit – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit K). Covered in detail at the last meeting. At that time, we didn't expect any changes to season structure. We were expecting a little increase in limit draw permits valid at Fort Riley, due to relatively high populations. In discussions with Fort Riley staff and considered a couple of different options; to increase harvest without adding excessive pressure to the Fort. We want to maintain high quality hunting experience without excessive pressure. Option with most support is to establish a new season on the Fort for January, in which all unsuccessful hunters can fill their tag. This might allow hunters to address damage issues that sometimes occur just off the Fort. Also, it might allow an extra 5-6 elk to be harvested. Still considering options and isn't a recommendation yet. Will be back at next meeting with recommendation and permit allocations. Commissioner Sill – How many nonresident permits are in Unit 3 each year? Peek – Don't know off top of my head. I will get back to you on that.

3. KAR 115-25-9a Military deer seasons – Levi Jaster, big game coordinator, presented this regulation to the Commission (Exhibit L). We address all deer seasons on military subunits under one regulation separately than regular regulation to accommodate training activity. Typically, we have brought this regulation to public hearing in June. Fort Riley, in addition to regular whitetail season, they want additional antlerless season November 29, 2024, to December 1, 2024; firearm season December 14-22, 2024. I have a correction in the briefing book, where it says the deer hunter only use one white-tail antlerless permit, strike that. They have requested five white-tailed antlerless-only permits. They are trying to increase antlerless harvest on the Fort. Fort Leavenworth is requesting firearm season from November 16-17, 2024; November 23-24, 2024; November 28, 2024 to December 1, 2024; December 7-8, 2024; and December 14-15, 2024. They would like to participate in the extended firearms longest season January 1-19, 2025. The extended archery season for antlerless-only white-tailed deer will be January 20-31, 2025. Smokey Hill is requesting firearm season from December 4-15, 2024, which is the same as the statewide season. They also want the five additional antlerless white-tailed deer permits.

4. Big Game 4-Series Permanent Regulations – Levi Jaster, big game coordinator, presented these regulations to the Commission (Exhibit M). Requested to review muzzleloader materials that projectile can be made of. Currently the language is, tumble-on-impact, hard-cast solid lead, conical lead, and sabot bullets, and is preventing potential non-toxic ammunition choices. We are looking to striking the word "lead" from the regulation. On page 2, lowercase (b) muzzleloader, lead has been struck from that regulation and that is the changes that will occur. Commissioner Sill – Will this be ready for this fall? Chief Counsel Riley – Should be but no guarantee. Commissioner Sill – I just noticed on WIHA it says non-lead. Theoretically muzzleloader hunters out of those WIHA areas if you don't get that in place. Those are some nice properties we like to have available. Jaster – Ask permission to move forward to promulgation process. Chairman Lauber – Move it forward. Chief Counsel Riley – Levi, send me final draft.

5. Carcass Movement Regulation – Levi Jaster, big game program, coordinator, presented this update to the Commission (Exhibit N). Spoke with Dan on this. Working on polling other state regulations, trying to get some language put together. Hope to have potential language for regulation ready by next meeting. Dan raised some legal questions we are trying to get straightened out. Chairman Lauber – At last meeting I mentioned 40 miles, you seem to like 30. Also, I mentioned transport to processor. Is there a reason you don't like that? Jaster – Some language pulled from other states and how they regulated that 30–40-mile buffer. This is one of the issues Dan brought up, enforceability of that. We are trying to have to work through the other language. We are going to try get this to where it accomplishes the goal but doesn't leave too much ambiguity that would force Law Enforcement to make subjective calls. Chairman Lauber – There are less and less people that process deer and if we could have longer distance to transport people could do it without breaking the law. If they just went from kill to the processor. Jaster – We are looking into that and would fit recommendations we are submitting on heads and capes to the taxidermists too. Chief Counsel Riley – This has turned out to be really challenging. Hope to come up with something based on risk that doesn't relate to the mileage. If minimizing risk, it doesn't matter if they are going five miles or 50 miles. If we can work it out, hope to eliminate the mileage element entirely because that doesn't relate to the risk as much as other standards in the way they need to handle and process. Chairman Lauber – I think so too. Commissioner Sporer – I heard from constituents that said deer processor is 35 miles away, so going to continue to hear things like that. Chief Counsel Riley – I think it more critical to follow the steps rather than worry about how far you are going to haul it. Chairman Lauber – We are on the same page.

Break

6. Public Lands Regulation KAR 115-8-26 – Ryan Stucky, acting public lands director, presented this regulation to the Commission (Exhibit O). We have been presenting this new regulation addressing over pressure of nonresident waterfowl hunters on public lands. On April 27 last year in Bonner Springs, we presented this for the first time. Since then, we have talked about nonresidents spending more consecutive days on public waterfowl properties, hunting in larger groups, and spending more hours per day on those areas. We believe this has changed waterfowl behavior to a point there is growing concern they are not meeting their own dietary needs because of human pressure. Resident waterfowlers are also reporting changes in waterfowl increase in volume, which has decreased their opportunities on department lands and waters. We have vetted several regulation recommendations and idea on how we could restrict pressure while still giving nonresidents several days to hunt waterfowl. We believe the original proposal to restrict nonresident waterfowl hunters to hunt on public lands and waters to Sundays, Mondays and Tuesdays. We have workshopped this five times. We have been in communication with our federal partners, the U.S. Corps of Engineers, U.S. Fish and Wildlife Service and Bureau of Reclamation. Those three partners agree with our proposal We are presenting the written regulation today and understand regulations for hunting are time sensitive. So, our recommendation is to move regulation promulgation process and have regulation in effect for start of the 2024 waterfowl season. Section (a), during an established hunting season for migratory waterfowl a non-resident shall be restricted to Sundays, Mondays and Tuesdays for the hunting and taking of migratory waterfowl at the following locations, subsection (1) is department lands and waters, which means state parks, state lakes and recreational grounds, wildlife areas, sanctuaries, fish hatcheries, natural areas, historic sites and other lands and waters and facilities that are under the jurisdiction and control of the Secretary through ownership, lease, license, cooperative agreement, memorandum of understanding, or other arrangement. Move on to the next three subsections numbers. (2), (3) and (4) which spell out the properties of

our three federal partners. We want to list those properties individually so it would be clear as Kansas reservoirs and our national wildlife refuges in working with our federal partners. Our department legal staff reviewed several federal codes and regulations. In short, we see that federal regulation requires hunting and fishing regulations to be consistent with state law to the extent possible. Our department's legal staff and the federal partners do not see anything in the applicable federal law and regulations that would contradict the proposed draft concerning nonresident waterfowl hunters. Starting with the U.S. Army Corps of Engineer properties, you'll see two subsections. The first is listing of the reservoir properties; The second is listing of the Missouri River Fish and Wildlife mitigation lands. We decided to list these separately for clarity as they are federally owned by the Corps under Kansas Department of Wildlife Parks lease and are adjacent to the navigable Missouri River. So, they are a bit unique and that is why we listed them in in the regulation again. Section (b), the following definitions. We mentioned the water and we went ahead and listed the migratory waterfowl under KSA 32-1008 and also definition of a non---resident in subsection (2). We then listed four other subsections which addresses the nonresident lifetime license holder, the non-resident active-duty military personnel, active-duty military personnel, immediate family, and nonresident full-time students which would all qualify as residents. The next subsection was department lands and waters, and I've already went through that definition. We then move to section (c), these restrictions shall not apply to the spring snow goose Conservation Order season. We have had discussions on that. Subsection (d), we changed this one at the last commission meeting. These restrictions shall not apply to property enrolled and designated as either a Walk-In Hunting (WIHA) or integrated Walk-In Hunting (iWIHA) areas which accounts for a little over a million acres. We were asked “why,” and I think when you look at those properties and the contracts which are written on those, we felt that those acres out there will give those folks the opportunity, if they can't be on public lands, to enjoy that walking hunting property. Section (e), these restrictions shall not apply to navigable rivers in Kansas which are the Kansas, Missouri, the Arkansas Rivers. Section (f) is the new one we have added since the last commission meeting, these restrictions shall not apply to the special hunts program or other department authorized waterfowl programs. Commissioner Sporer – Any talk about being able to scout by boat on days other than Sundays, Mondays and Tuesdays? What was consensus of the agency on trying to regulate that? Stucky – There won't be any restrictions on reservoirs or any boating, there are some restrictions in place on state-owned wildlife areas. Commissioner Sporer – So, nonresident will be able to scout the Bottoms? Stucky – There are some in the reference document. Waiting to get through this before we go back and adjust the reference document. Commissioner Sill – For the taking of migratory waterfowl, it doesn't say anything about being on the marsh walking around or disrupting the wildlife. Stucky – In the definitions of take, is why we added take and that is pursuing and disrupting waterfowl. Commissioner Sill – Is that clear enough for the average person? Stucky – We have verbiage in our hunting regulations summary that talks about taking of wildlife. Commissioner Sill – Taking includes scouting or harassing? Stucky – Do you see what they are talking about? Commissioner Sill – We have heard of activity where they are driving around flushing birds. Not just nonresidents. When you look at scouting that is subjective. Going out to see if waterfowl is one thing, but to get in a boat, and run up and down through Cheyenne Bottoms is another. Stucky – We have some restrictions on that already. We are looking to fine

tune the reference document to cover that once this is in place. Commissioner Sill – That is shaky. Looking at nonprofessional reading that and my observation. Not telling you it's wrong, just concerned. One other concern. On (d), the fact that it does not apply to WIHA or i-WIHA is confusing, or potentially confusing. When we make public land regulations, such as baiting and trail cam issues, that applies to public lands and WIHA. So, we are treating this different. Some room for confusion. The more similar the better off we are. Commissioner Sporer – I have thought about it and asked, not that many areas are waterfowl areas, there are only a handful so not a big deal. I understand the idea you can't put cameras on public lands or walk in areas, but I don't know how big of deal it would be to say waterfowl areas. They are not the problem area we are having. WIHA is not our main issue or problem. Chairman Lauber – Ready for promulgation process? Graham – I don't run waterfowl hunts, but some in Association do. From somebody that deals with private ground, I run 3,500 acres next to Melvern Lake. I have 37 landowners in that area. This has been discussed 6-7 times. You are at the point where it has affected the private sector. A lot of landowners approached me to lease land for waterfowl, most from out of state. We know what happens when they lease to those guys and most of them from Arkansas, Oklahoma and Missouri and most residents here have hunted there. What it does is the guys hunting there for free are out of there. Now leasing ponds to nonresidents. Residents don't want to pay to hunt. You will actually tip people from hunting on private lands, off those areas. It will happen. Not outfitters, just nonresident hunters. Chairman Lauber - Is it ready to start promulgation process? Chief Counsel Riley – That is up to the Commission and Ryan if he is satisfied with it. I mentioned at first workshop that we need supporting information with this. Why this is necessary and required, what intended to resolve, will draw attention and will have impact on revenue. We get cost analysis because we make decisions for benefit of species and habitat and some of the people, we have to convince about morals of what we are doing. They are focused entirely on revenue. We need to bulk up in terms of supporting documentation every time we submit an economic impact statement. We can include why we are doing it, why necessary. We anticipate a number of complaints when that kind of documentation is received. Make sure when we promulgate that no matter what we do it will be set in limbo. Chairman Lauber – Commission is ready to go there, and we will have to do that no matter when we do it. Stucky – Our federal partners are in favor of this and encourage us to get it going as soon as possible. Chief Counsel Riley – That is relevant, make sure we tell the story of why this is necessary. Chairman Lauber – Do it.

Chairman Lauber – We have five pending regulations (7 and 8) that we don't discuss anymore.

7. Pending Regulations (Exhibit P) – Dan Riley, legal counsel:

- 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. 115-8-1 Public Lands regulations (Reference Document)
- K.A.R. 115-30-4 Fire Extinguishers; Requirements

8. Published in the Federal Register (Exhibit Q) – Dan Riley, legal counsel: We will vote on these at the March 28 meeting.

- K.A.R. 115-4-11 Big game and wild turkey permit applications
- K.A.R. 115-25-11 Furbearer Regulations
- K.A.R. 115-30-10 Personal Watercraft; Definition, Requirements and Restrictions

VII. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VIII. OLD BUSINESS

Commissioner Sill – Coming out of busy fall season for game wardens. I have seen multiple stories about poaching incidents they have been investigating and other situations. Biologists and game wardens have gotten death threats just for doing their jobs. As a Commission, I want to say “thanks” to employees. You are smart and know what you are doing, handle yourself professionally, work hard and don’t get paid that well. Thank you to every person in the Department. You go above and beyond, and public has no idea about the people who grade roads to get to boat ramps, do maintenance, clean outhouses and all kinds of other duties. Thanks to every person in the Department.

IX. OTHER BUSINESS

A. Future Meeting Locations and Dates

March 28 – Topeka, Topeka and Shawnee County Library, Marvin Auditorium, Rm 101C
April 25 – Salina, K-State Campus, College Center Conference Room, 2310 Centennial Rd
June 20 – Hays

Chief Counsel Riley – Don’t set August. We are going to look at the full schedule of meetings. We have an extra meeting there, so we will either move it or take it out.

X. ADJOURNMENT

Adjourned at 2:27 p.m.