

**AGENDA**  
**KANSAS DEPARTMENT OF WILDLIFE AND PARKS**  
**COMMISSION MEETING AND PUBLIC HEARING**  
**Thursday, March 24, 2005**  
**Beloit Municipal Building**  
**119 N. Hersey, Beloit**

**Tour (8:30 - meet in Beloit) and lunch (11:30 - at Hopewell Church, no charge) at Glen Elder State Park. Supper at Guaranty State Bank Community Room (5:00 - basement, 201 S. Mill, \$5.00 each).**

- I. CALL TO ORDER AT 1:30 p.m.**
- II. INTRODUCTION OF COMMISSIONERS AND GUESTS**
- III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**
- IV. APPROVAL OF THE January 20, 2005 MEETING MINUTES**
- V. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS**
- VI. DEPARTMENT REPORT**
  - A. Secretary's Remarks**
    - 1. Parks Division Award (Jerry Hover)**
    - 2. 2005 Legislation (Chris Tymeson)**
    - 3. FY 2006 Budget (Dick Koerth)**
  - B. General Discussion**
    - 1. Wildscape Projects in the Beloit Area (Jim Huntington)**
    - 2. Electronic Licenses and Permits - System Update (Karen Beard)**
    - 3. Comprehensive Wildlife Conservation Plan (Laurie Yasui)**
    - 4. KAR 115-25-1. Game birds; open seasons, bag limits, and possession limits. - Upland Game Birds (Mike Mitchener)**
    - 5. Early Migratory Bird Seasons (Marvin Kraft)**
    - 6. KAR 115-25-19. Dove, management, hunting season, shooting hours, and bag and possession limits (Helen Hands)**
  - C. Workshop Session**
    - 1. KAR 115-5-4. Nonresident bobcat hunting permit; tagging, disposal, legal equipment, shooting hours, and general provisions - Revenue Task Force Recommendation (Kevin Jones)**
    - 2. KAR 115-11-1. Controlled shooting areas; license application, issuance priority, and reporting (Kevin Jones)**
    - 3. KAR 115-9-9. Electronic licenses permits, stamps, tags, and other issues of the department (Mark Rankin)**

4. **KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement and restrictions - Adding New Zealand Mud Snail to prohibited species list (Doug Nygren)**
5. **KAR 115-25-9. Deer; open season, bag limit and permits. (Lloyd Fox)**

**VII. RECESS AT 5:00 p.m.**

**VIII. RECONVENE AT 7:00 p.m.**

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

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

**XI. DEPARTMENT REPORT**

**D. Public Hearing**

1. **KAR 115-4-2. Big game; general provisions. (Lloyd Fox)**
2. **KAR 115-4-4. Big game; legal equipment and taking methods. (Lloyd Fox)**
3. **KAR 115-4-13. Deer permits; descriptions and restrictions. (Lloyd Fox)**
4. **KAR 115-4-4a. Wild turkey; legal equipment and taking methods. (Roger Applegate)**
5. **KAR 115-25-5. Turkey; fall season, bag limit and permits. (Roger Applegate)**
6. **KAR 115-25-6. Turkey; spring season, bag limit, permits and game tags. (Roger Applegate)**
7. **KAR 115-25-7. Antelope; open season, bag limit and permits. (Matt Peek)**
8. **KAR 115-25-8. Elk; open season, bag limit and permits. (Matt Peek)**

**XII. OLD BUSINESS**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

**XIV. ADJOURNMENT**

If necessary, the Commission will recess on March 24, 2005, to reconvene March 25, 2005, at 9:00 a.m., at the same location to complete their business. Should this occur, time will be made available for public comment. If notified in advance, the department will have an interpreter available for the hearing impaired. To request an interpreter call the Kansas Commission of Deaf and Hard of Hearing at 1-800-432-0698. Any individual with a disability may request other accommodations by contacting the Commission Secretary at (620) 672-5911. The next commission meeting is scheduled for Thursday, April 21, 2005, at the Holiday Inn Express, 4020 Parkview Drive, Pittsburg, Kansas.

**KANSAS DEPARTMENT OF WILDLIFE AND PARKS  
COMMISSION MEETING MINUTES FOR  
Thursday, January 20, 2005  
Memorial Hall Auditorium  
120 SW 10<sup>th</sup>, 2<sup>nd</sup> Floor, Topeka**

Subject to  
Commission  
Approval

**Served BBQ Buffalo lunch at Capitol Building, 2<sup>nd</sup> Floor Rotunda at 11:30 a.m.**

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

The January 20, 2005 meeting of the Kansas Department of Wildlife and Parks Commission was called to order by Chairman John Dykes at 1:30 p.m. at Memorial Hall Auditorium, Topeka. Chairman Dykes and Commissioners Jim Harrington, Kelly Johnston, Frank Meyer, Doug Sebelius, and Shari Wilson were present. (Commissioner Fields not present, Jim Harrington appointed by Chairman to serve as Vice Chairman). Called for 15 minute recess for photos with the Governor.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

The Commissioners and Department staff introduced themselves (Attendance roster - Exhibit A). Reconvened at 1:35 p.m.

Chairman Dykes introduced Governor Sebelius.

Governor Sebelius thanked Commissioners for their dedication, their shared love of the land and resources, and promotion of those resources. This is the kickoff of the 100<sup>th</sup> year, the centennial celebration, of KDWP and this will be the year to highlight the accomplishments of the department. She mentioned Secretary Hayden's work forming a sub-cabinet of several groups working together to form a Natural Resources Committee. While in the past these groups may have been in opposition, they are working together through this committee to strategically use resources. The Flint Hills development is one of the things that discussed and for the first time there is money in the budget for land easements. On Saturday, Secretary Hayden and Governor Sebelius will be joining with Ducks Unlimited representatives and a film crew to produce a show on Kansas duck hunting. Gov. Sebelius thanked the Commissioners and the department for a great job.

Chairman Dykes welcomed Representative Terri Huntington, and Jim Huntington, Wildscape Executive Director.

**III. ADDITIONS AND DELETIONS TO AGENDA ITEMS**

Commissioner Frank Meyer presented support of a House Bill sponsored by Representative Ruff removing language requiring KDWP to establish archery management units for deer. **All approved.** Chairman Dykes stated this would be discussed further in the evening agenda. Chris Tymeson – Added KAR 115-25-6 to general discussion, spring turkey season. (Agenda - Exhibit B).

**IV. APPROVAL OF THE October 28, 2004 MEETING MINUTES**

Commissioner Wilson corrected that Commissioner Hall was mentioned in roll call on KAR 115-4-14 and KAR 115-7-1 (instead of Commissioner Meyer). Commissioner Wilson moved to

accept minutes as amended, Commissioner Johnston second. **All approved.** (Minutes - Exhibit C).

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

Mike Stewart, Berryton - A turkey hunter asked Commissioners to consider allowing hunters to hunt more gobblers in the spring season.

Leon Edmunds, Manhattan, stated he was interested in sandhill cranes, but noticed that it is on the agenda. He said he was a bird hunter, but he did it with binoculars. Most states have beautiful nature centers. Kansas has Quivira and Cheyenne Bottoms and he felt a visitor's center was needed. Chairman Dykes said that Secretary Hayden will speak about that later.

Clint Ackerman, Rocky Mountain Elk Foundation (RMEF) stated that RMEF supported Commissioner tags or permits. He felt those big game tags would be a good source of income for organizations like RMEF.

John Moore, El Dorado, said he was interested in premium deer tag -- one tag that could be used during any legal season with legal equipment. Chairman Dykes said the concept had been discussed in the past, but that the commission would consider it.

## **VI. DEPARTMENT REPORT**

### **A. Secretary's Remarks**

*Changed order of reports.*

1. Flint Oak Hunter Education Donation - Ray Walton (presentation made in foyer before meeting).

3. Recognition of partners in Aquatic Nuisance Species Plan - Doug Nygren, Fisheries Section Chief, introduced the partners who contributed to the Aquatic Nuisance Species Plan (Exhibit D - Plan, Exhibit E - Letters to sponsors). This plan was formed in an effort to prevent the spread of invasive species and keep others from coming into the state. The Governor approved a position and Jason Goeckler was hired as the aquatic nuisance species coordinator. Nygren then recognized the groups that providing funding and made the position and plan possible: Friends of El Dorado Lake - Casey Smithson, El Dorado State Park Manager accepted this award on behalf of the Friends Group; Joe Werner, senior environmental biologist, Great Plains Energy; Brad Loveless, manager of biology and conservation programs, Chuck Sterbenz, senior vice president of Generation and Marketing and Chuck Hodson, executive director of Safety and Support Services, Westar Energy; and Dan E. Haines, environmental biologist, Wolf Creek Nuclear Operation Corporation (Matt Sunseri and Bob Hammond were also present). Nygren thanked the supporters again, after award plaques were presented by Secretary Hayden and Chairman Dykes.

Chairman Dykes then thanked Jason Goeckler and the people recognized for their commitment to this program.

4. National Wild Turkey Federation check presentation - Brandon Houck, National Wild Turkey Federation (NWTf), presented a check for \$25,650 for habitat partnership projects. Houk

introduced Vance Ralstin, regional director, Americus; Norm Bramlett, treasurer, Topeka; and John Moore, chairman of the board, El Dorado.

7. 2005 Legislation - Chris Tymeson, chief legal counsel presented this report to the Commission (Exhibit F). Tymeson introduced issues staff is working on currently:  
Park funding - Secretary Hayden presented this legislative issue: He mentioned that there are 24 state parks and this is the 50<sup>th</sup> year of the State Park system. A critical issue is that State General Fund support has been reduced over the years. In the late 1990s \$10 million was appropriated for capital improvements (Parks 2000). The health of the general fund is not what it was in the late 1990s, and there have been numerous cuts. In two of the last three years fees have been increased. The first time there was no opposition, but there was a lot of opposition about the last fees increase. The park funding issue was taken to the Governor and the budget director, and the department is proposing what is known as the "Montana Plan". A vehicle registration fee of \$5.00, collected when vehicle registration fees are paid, that would allow all Kansas vehicles to enter the parks free of charge will be proposed. Nonresidents would still have to pay a vehicle entry fee. This would make a little more money than it takes the parks to run. The Local Outdoor Grant Program Fund was terminated in 1999, and this proposal would provide \$1.00 to the Local Outdoor Grant Program Fund, and \$4 to the Park Fee Fund. The proposal also includes a provision for a refund for those who claim they will not use state parks. Montana was worried about that when they implemented it, but only 19 percent claimed. The Governor is in full support. Financially this will be the most important item pursued. Chairman Dykes asked about the time. Tymeson said it had not been introduced yet, but should be tomorrow or Monday. Tymeson's intent is to submit this in the Senate Ways and Means Committee. Doug Phelps, Manhattan, asked when a bill number would be assigned. Tymeson said it would be a couple of days after it is presented.

Wildlife Violator Compact - This proposal would enter the State of Kansas into the Wildlife Violator Compact. Entry into the compact would allow two major enforcement impacts to occur. First, if a violation of wildlife laws occurred, nonresidents from compact states, while in Kansas, and Kansas residents, while in other compact jurisdictions, could be given citations and notices to appear in lieu of bonding out of custody. Alleged violators would be required to comply with the legal proceedings, much the same way traffic citations are handled. Second, Kansas would be required to recognize other state wildlife hunting privilege suspensions and other states in the compact would be required to recognize Kansas suspensions. This would preclude violators from other compact states from coming to Kansas to hunt. Introduction in the Senate Resources Committee was requested today.

Boating Law Updates and New Statutes - This proposal would apply several updates to the boating laws of Kansas based primarily on federal law changes. In addition, several new statutes are proposed to assist the Department in combating the ever increasing crime of vessel theft. Kansas seems to be becoming a dumping ground for stolen vessels.

Fee Fund Protection - This proposal stems from accounting changes implemented by the Division of Budget this past legislative session. In essence, all federal funds were placed into respective accounts for the purpose of tracking federal fund expenditure. The proposed legislation is necessary to avoid a potential diversion issue, should it arise. The language is similar to language for the current fee funds and requires expenditures to be allowed solely for specific purposes. This was presented on Wednesday.

Several other bills have been presented. Hunter Education exemption for military personnel; preventing felons from hunting; The House Wildlife, Parks & Tourism committee is looking at naming park number 24, Park Free State; persons with overdue child support could not purchase permits, which will be in place with new automated licensing system because it is already a federal law; commercialization; archery units; and repeal of archery units. There is one other bill on Controlled Shooting areas, which would repeal the sunset clause and make the Hunter Education exemption permanent.

2. Kansas Association for Conservation and Environmental Education Award (presentation and picture was done in the foyer before meeting). Commissioner Shari Wilson introduced Kate Grover, president of the Kansas Association for Conservation and Environmental Education (KACEE). KACEE is a statewide organization of over 200 members and 300 individual members across the state. KACEE partners with public and private organizations to provide professional development to formal and non-formal educators using programs such as Project Wild, Project Wild Aquatic, Project Wet and Project Learning Tree. Three curricula provide educators with hands-on conservation and environmental education activities. Each year, at the state annual convention, KACEE presents an award to a Kansas organization that exemplifies dedication, commitment, and influence in the field of conservation and environmental education. Organizations that have received this award in the past are: Kansas Forest Service, Lee Richardson Zoo Education Division, Butler Community College and Butler County Conservation District and Westar Energy. Mike Rader and Roland Stein both nominated the Kansas Department of Wildlife and Parks for the award this year. (Exhibit G - Grover speech and correspondence)

Mike Rader read his nomination. He nominated the Parks Division and Roland nominated the Education Section (Exhibit H - nominations) and the award was given to the department. Chairman Dykes introduced John Strickler, KACEE board member and former acting KDWP Secretary. Commissioner Wilson also introduced other KACEE board members in the audience.

5. Jim Copeland, Outstanding Volunteer Award – Jerry Hover, Parks Division director, presented this award (Exhibit I). Jim has been on the trails advisory board since it was established in 1996. He never missed a meeting and never asked for travel expenses. He also acts as a consultant for many groups that apply for this funding. He is a hiker, biker, and backpacker and has volunteered his services to Rocky Mountain National Park.

6. Luncheon Sponsor Recognition - Chairman Dykes, thanked Audubon of Kansas; Ducks Unlimited; Kansas B.A.S.S. Chapter Federation; Kansas Furharvesters Association; Kanrocks Recreation Association; Kansas Recreation and Park Association; Kansas Sport Hunting Association; Kansas Trails Council; Kansas Walleye Association; Kansas Wildlife Federation; National Wild Turkey Federation; Pheasants Forever; Quail Unlimited; Rocky Mountain Elk Foundation; Safari Club International, Kansas City Chapter; and the Kansas Buffalo Association for sponsoring the luncheon at the Capitol building.

8. FY 2006 Budget - Dick Koerth, assistant secretary for Administration presented this report to the Commission (Exhibit J). The department has received the Governor's FY 2006 Budget Recommendations (GBR). For FY 2005, the governor has recommended expenditures of \$53,198,941, including capital improvement expenditures of \$13,563,833; a State General Fund (SGF) supplemental appropriation of \$300,000 to assist in financing of the Parks program for FY 2005 (due to decreased receipts to the Park Fee Fund, this supplemental appropriation is necessary to continue operations of the state parks); and additional SGF funds of \$49,047 to provide for the KDWP portion of development for Sewage District #4 in Crawford County. For FY 2006, the governor has recommended total expenditures of \$46,145,927 including expenditures of \$5,249,097 for capital improvements. The department had requested SGF financing of \$3,957,619, but the budget only includes \$2,857,538. The GBR provides for continuation of the 406.5 FTE positions recommended for FY 2005. The governor's recommendations include: a 2.5 percent salary increase for all employees; funding for a 27<sup>th</sup> paycheck to be paid by KDWP in FY 2006; funding for KPERS adjustments to be paid by state agencies; and continuation of free hunting and fishing licenses and state park access to eligible members of the Kansas National Guard. As was mentioned to the commission in previous meetings, the department had requested additional SGF support in FY 2006 to replace funding from the Park Fee Fund not available due to decreased receipts to the fund. This request was not approved by the governor. However, the governor has approved the request of the legislature to

establish a vehicle registration fee, which Secretary Hayden has already mentioned, to provide a stable base for funding the Parks program. This legislation will include a \$5.00 fee of which KDWP would receive \$4.00, and the Local Government Outdoor Recreation Grants Program would receive \$1.00. The department had also requested funding for operations of State Park No. 24, \$103,505 and one FTE; operations of the Circle K Ranch, \$290,000 and one FTE; and replacement vehicles, \$957,000. The first two items were not approved and the amount for replacement vehicles was reduced to \$799,500 to be spent after November 1, 2005. The GBR deletes replacement vehicles for state parks pending approval of legislation creating a dedicated funding source for parks operations. The GBR includes capital improvement funding to continue land acquisition, major maintenance projects, and motorboat access. In addition, the governor's recommendations include \$615,000 to begin development of state park no. 24. Chairman Dykes asked if there was funding for the Cheyenne Bottoms Visitor's Center. Koerth said that it was approved in prior years and should be forwarded to the FY 2006 budget.

## **B. General Discussion**

1. Wildscape Projects in the Topeka Area - Jim Huntington, acting Wildscape Executive director, presented this report to the Commission. Wildscape was founded in 1990 with the help and blessing of then Governor Mike Hayden. It is a 501(c)(3) organization with two employees. The biggest project completed was raising \$5 million for the Milford Wetlands. Currently, assisting KDWP with funding for state park cabins is a major project. Four cabins can be built with current funding. Board members met with Ed Hammond from Fort Hays State University and Secretary Hayden last week to discuss the Cheyenne Bottoms project. Chairman Dykes asked about OKKIDS. Huntington said that OKKIDS is now a year-long project and he thanked Bass Pro for their support. This year the Governor's Fishing Classic will be moved to Milford Lake, June 16 and 17.

2. Automated Licenses - Regulations - Karen Beard, Licensing Section chief and Chris Tymeson, chief legal counsel, presented this report to the Commission (Exhibit K, PowerPoint - Exhibit L). Kansas Outdoor Automated Licensing System (KOALS) will allow the department to identify customers and take advantage of new marketing techniques to retain and recruit license buyers. In October of 2003, a licensing committee, with representation from each division, was formed to research all aspects of a new automated system. Other states and companies in the electronic licensing/permitting business were contacted. Six different companies came to KDWP to demonstrate their equipment and software. The contract was awarded to Central Bank of Jefferson City, Mo. in last October. Central Bank, with its subsidiary Automated License Systems (ALS), operates similar automated systems in nine other states including Missouri and Colorado. Besides improving marketing and customer convenience, benefits of the system include: 1) development of a comprehensive database of customers that will improve law enforcement efforts; 2) elimination of printed license and permit books which will generate faster sales and revenue accounting for the department; 3) instant sales and permit counts will create faster collection methods for harvest and survey results; and 4) a large portion of the savings will accrue to license vendors, who will save on bond premiums, postage, and personnel time for remitting licenses and permits. This will be more convenient for KDWP customers, providing one-shop-stop opportunities. Various equipment options will be available at the vendor level ranging from a full set of Point-of-Sale (POS) equipment, (which will read the magnetic strip on driver's licenses and enter the information into the system) furnished by the department, to a simple Internet software connection that can be used by small vendors who choose to supply their own Internet connection, PC, and printer. The contractor will provide a complete turnkey product with training, support, and setup. The equipment will be financially secure with an Automated Clearing House (ACH) sweep of the vendors' accounts on a weekly basis for collection. The pilot program and vendor equipment roll-out is set for June with full

implementation expected by August. In conclusion, licenses will be easier to obtain and more accessible by hunters and anglers and the names and addresses of license buyers are instantly established in a database that provides the agency with greatly improved survey capabilities. The Commission will be voting on an education bill this evening that will allow people to attest to hunter education, which is needed to implement this system. Non-verified permits will be printed with a "N" in front of the number; once a number is verified, the licenses will be printed with a "V" in front of the number and they will never have to show proof again; "A KS ATTEST" will be printed on licenses where the person attests to hunter education, but does not show proof; and "Hunt With Adult" will be printed on the licenses for those under 15 without hunter education. (Exhibit M - showed samples of permits, carcass tags [tie on tag, not adhesive], park permit, and vehicle permit {can turn this into an adhesive display for the window}).

Keith Houghton asked if hunter information would only have to be entered into the once. Bear said that would be the case.

Ed Kliana, Great Bend, asked if the equipment had to be purchased by the vendors. Beard said that existing vendors will have to pay \$100, new vendors will have to pay \$400 (half of the cost of the machine).

Unknown audience asked if customers would be able to print the licenses at home. Beard said the program would allow only one copy to be printed on personal printers. Commissioner Wilson asked about policy regarding giving information to other groups. Tymeson answered that several laws currently protect this information. There is limited access through the open records law.

KAR 115-9-9 will be a new regulation that comes on board to accommodate some of these items.

3. Sandhill Crane Seasons - Helen Hands, wildlife biologist, presented this report to the Commission (Exhibit N, PowerPoint presentation – Exhibit O). Hands provided a history of the sandhill crane season. She has been asked why KDWP allows a sandhill crane season ever since the unfortunate shooting of the whooping cranes in November. Sandhill cranes are migratory game birds defined in the Migratory Bird Treaty Act enacted in 1916. The first sandhill crane season in Kansas was in 1993, (first proposed in 1982, but not approved at that time) in response to growing sandhill crane numbers, increasing crop depredation, and the department's desire to provide hunting opportunity on sandhill cranes. The proposal to establish a sandhill crane season was met with considerable opposition. Concerns included: additional harvest of sandhill crane populations and welfare of subpopulations; accidental kill of endangered whooping cranes and other protected species; and that crane hunters might disturb crane roosts. The cranes in Kansas are from the Mid-Continent population which is estimated to contain 500,000 cranes. The Rocky Mountain population has only about 25,000 cranes. The area open to hunting Mid-Continent sandhill cranes is in the Central Flyway states and all allow hunting except Nebraska. The frameworks are sent out by the USFWS and the Kansas season was set more restrictive than the frameworks allowed. The opening date was selected because data showed that most whooping cranes were out of the area by that time and shooting hours were set from sunrise to 2:00 p.m. to minimize the chance of shooting non-target species. Since 1993 most, if not all, of the concerns about hunter harvest of the Mid-Continent population of sandhill cranes, or any subpopulation, have eased. The hunting area has been expanded three times, in 1995, 1998 and 2003, and the bag limit has also increased from 2 to 3. On average, 440 crane hunters hunt 1,400 days per year and kill about 1,100 cranes. The highest averages of birds are shot in Stafford County, near Quivira, and Barton County, around Cheyenne Bottoms. People who opposed the crane season felt the birds would migrate through the state quicker, but in fact they seem to be staying longer. The major concern of people in opposition was jeopardizing the recovery of whooping cranes. The only population remaining from the historic whooping crane distributions is the Aransas-Wood Buffalo population. There are two other populations that have been reintroduced, one non-migratory in Florida and one that summers in Wisconsin and winters in Florida, which will not be included in this discussion. Kansas sandhill crane seasons are affected by whooping cranes when they are in the area, by delaying the opening of the sandhill crane season and later shooting



hours; voluntary closures of private land; control access via road or land; news releases or personal contact; daytime monitoring of whooping cranes; informal spot closures; and formal closures. Quivira is not open for sandhill crane hunting and when whooping cranes arrive, Quivira is closed to all hunting. Cheyenne Bottoms closes the pool to all activities where whooping cranes are seen. The primary cause of whooping crane death is caused by collisions with power lines, secondary is hunters, with less than 10 percent of deaths being undetermined because the birds are missing. Since 1968, there have been six shooting incidents, killing seven whooping cranes, two involving snow goose hunters, two involving vandals, one violator and one sandhill crane hunters, in half a million days of sandhill crane hunting. Sandhill crane hunting resumed in the Central Flyway in 1961 and during that time, the whooping crane population has increased 450 percent, or 4 percent per year annual growth rate (not the 10 percent I stated in the briefing book). Some of the regulatory options include: delaying opening of hunting season (whooping crane migration has shifted a bit later, if the sandhill crane season opened the second week of November, three-fourths of the birds would have passed through the state); buffer zones (around Quivira and Cheyenne Bottoms); restrict shooting hours further (possibly start at 8:00 a.m. or 9:00 a.m., no data to support this); increase emphasis on contingency plan, but it is labor intensive to monitor whooping crane presence and put up signs if they are present. Like geese and other cranes, they don't necessarily feed in the same fields each day; and increase emphasis on hunter education (this has the greatest potential, we could educate waterfowl and crane hunters, warn hunters of the penalties for shooting a whooping crane and notify hunters through various methods when the birds are in the area). It is critical to consider the long-term implications of any potential action as a result of the unfortunate incident this year. There is no reason to believe that whooping crane numbers will not continue to increase. What will happen when whooping cranes chose new migration "hotspots," or when Quivira NWR and/or Cheyenne Bottoms lack water to provide habitat and the whooping cranes move their migratory rest area south to Oklahoma or north Texas, or east a few miles to the McPherson Wetlands Wildlife Area? It appears that in the long-term it will be necessary for hunters and whooping cranes to coexist. Trying to isolate hunters from whooping cranes doesn't appear to be the best approach over the long-term. The bottom line is that sport hunting will not cause the demise of the whooping crane population or program. Keep in mind the benefits that whooping cranes have derived from hunters. Most wetlands utilized by whooping cranes within their migration corridor are due to the efforts and dollars provided by waterfowl and sandhill crane hunters. Hunting sandhill cranes is important in controlling crop depredation and controlling disease potential. The population is sustainable and hasn't jeopardized the whooping crane population.

Commissioner Johnston asked about the number of whooping cranes missing since 1968, which was 187 -- more than half of the population. Hands said it was not known whether those were been shot.

Chairman Dykes asked about the timing on the prosecution of the shooters. Kevin Jones, Law Enforcement Division director, said that there was only a limited amount of information released. The U.S. Attorney's office will have a news release when they decide on the charges to be filed.

Commissioner Johnston referred back to the slide on Barton and Stafford counties and the department's hypothesizing a buffer zone. He asked if most of the individuals were shot in those two counties. Hands said that location within a county was not available, but that roughly 80 percent of the crane harvest is in those two counties.

Commissioner Wilson asked what could be done to increase awareness of species identification. Hands said that Texas is producing a video on "shoot, don't shoot" scenarios that could be used. Also, the USFWS has a website that is dedicated to sandhill and whooping cranes. A hunter could be required to go to that site before purchasing a sandhill crane permit. An online class that would be required for hunters to hunt sandhill cranes has also been discussed. Commissioner Wilson asked if photos were available of different species or if information about the legal

penalties was made available. Bob Mathews, Information and Education Section chief, said that there are pocket identification guides available but specific penalties are not discussed.

Chairman Dykes said he thought he had seen signs at Cheyenne Bottoms with a picture of cranes on them. Hands said she wasn't sure of those signs but that identification pictures were available on the permits.

Unknown audience member asked about wind generators' affect the birds. Hands said she wasn't sure if bird strikes would be an issue with whooping cranes.

Bill Beard, Wichita, said that if only 10 percent of missing birds are accounted for, that could be multiplied nine times for those that are lost. There could have been 63 shot instead of 7, because it's not known what happened to the other missing birds.

Chairman Dykes asked about whooping cranes' mortality rate. Hands said it was 5 percent to 7 percent. Chairman Dykes said that some of the missing cranes would be due to natural mortality.

Bill Robel, Manhattan, said that mortality of 168 birds includes hatching, fledgling, and everything. Most mortality happens before the birds are fledged.

Dean Stoskopf, Hoisington, said he farms and owns land in the Hoisington area. There was one whooping crane sighting north of the line and it fed on his field until January one year. He said they call if we see them when they are out hunting. On the back of the permit there are diagrams and as far as education goes, if the penalties were printed, that will be all the education needed.

The question about wind towers in the Hoisington area was proposed, but hasn't gone forth because the technology isn't there yet. He said he has hunted sandhill cranes since the first season and it's pretty hard to get whooping cranes confused with sandhill cranes. He said that sandhill cranes would figure out where they were safe if buffers were established, causing local crop damage. He said there are a lot of other benefits to sandhill crane season.

Ron Klataske, Audubon of Kansas, first complimented department on its wind tower sighting guidelines. He commented that numbers in the briefing book refer to all whooping cranes, not just the population in our area. The shooting represents a significant loss to the species and loss to the agency's reputation of stewardship of its resources. Audubon hopes to participate in meetings with KDWP and USFWS, and wants to have a round table meeting bringing in all of the stakeholders. There are many people who would prefer sandhill cranes not be hunted. In spite of this, Audubon is working to seek changes to protect whooping cranes not take away the sandhill crane season. He asked to work together for mutual goals. He said it was a mistake to close areas around refuges to goose hunters; however there are very few people in this room who can tell the difference between sandhill crane and whooping crane silhouettes in dim light. He noted problems in the briefing book paper, but declined to discuss them. He offered to host a trip to the Platt River in Nebraska to view sandhill cranes. He also offered a book with pictures of sandhill cranes. Chairman Dykes asked what the Audubon Society's view would be if the incident was found to be a violation. Klataske said that there are many violations, but not as serious as whooping cranes. He wanted to minimize the chances for errors. He didn't want to paint all hunters with the same brush or say that all of the mortality is because of hunting.

Audubon has the same goal of protecting whooping cranes. Chairman Dykes asked if Audubon would be in opposition if it was found they shot them just before sunrise. Klataske supported the need to hunt later in the morning and a number of other changes. He didn't want to fight all of these issues in the media.

Dan Ward, Kansas Wildlife Federation executive director, said KWF had a different opinion that Audubon's. The trend line on whooping cranes is consistently upward. There has been only one bad day in 11 years. People have said that possibly more of the mortality is due to other bad days, but as Dr. Robel said, most of the mortality happens before the birds are fledged. KDWP shouldn't jump into a regulatory decision without the facts from the incident.

Mark Robbins, KU Natural History Museum, said it is not just one bad day. He related an incident he witnessed where a hunter jumped up and shot a sandhill crane right next to a whooping crane. If the whooping crane did not take shot, it must have been very close. He supported delaying the season a couple of weeks in that two-county area.

Eugene Young, Kansas Ornithological Society, said he read the report and felt that KDWP should consider changing hours of sandhill crane hunting and delaying the season until after November 20. He also supported closing hunting on private land when whooping cranes were present. He recommended doing more than what is required in the whooping crane contingency plan.

Elizabeth Schultz, Lawrence nature writer, said she was there to speak of the beauty of sandhill cranes and whooping cranes. She asked to do what Nebraska has done and bring cranes to the attention of all people of Kansas. Make it possible for people to see the cranes in flight. They have enhanced their tourist dollars by doing this. She supported a suspension of hunting when whooping cranes are flying through the state. Cranes are revered in other parts of the world and she presented origami whooping cranes for the Commissioners as a memento (also showed scroll from China of cranes, revered as representatives of long life).

Susan Iversen, Jayhawk Audubon Society, Lawrence, thanked the staff and Commissioners for their conservation efforts, and also thanked them for not expanding the prairie chicken season. She said her husband was a hunter, but she felt we needed to step back from our hunting heritage and be stewards of the earth. There are 18 members on their board and all feel the legal hunting of sandhill cranes should be stopped. It is not good science to base a season on seven known instances, some of the others probably were shot also. Four hundred and fifty percent is only 180 birds, but one bad storm in Texas could wipe out that whole population. Changes of season would be very difficult. She recommended regarding the appraisal with a critical eye and protecting the cranes.

Tim Keenan, Great Bend, said he was a sandhill crane hunter and thought KDWP should make a decision on facts, not emotion. Don't single out Kansans, look for federal guidance on this issue; they supported this when we adopted this in 1993. There are big populations in the Big Salt Marsh and some farmers have purchased propane cannons to help with depredation problems. Chairman Dykes asked if he wanted the sandhill crane season to remain as it was. Keenan said he did, at least until we know what happened. Crane hunters are ethical hunters.

Steve Swaffar, Kansas Farm Bureau, said the decision made should be on science and you should look at crop production and depredation. Farmers in that area said that many of the birds in that area are destroying their crops. FB would like to see you keep the season.

Doug Harter, Marshland, Great Bend, said he was a vendor in Great Bend and estimated he sold half of all crane permits purchased. He said hunters are not barbarians, they are conservationists also, and also enjoy viewing wildlife. Sandhill crane hunting is a large economic boon in the area. Buffers would hurt and shortening the season would make it so that hunters do not have as many days in the field.

Rex Marshall, Lyons, said he also had a small business that would be hurt if crane hunting was taken away. The economic impact is small compared to the eastern part of the state, but is large to us. He said he was a hunter, enjoyed scenery, camaraderie of friends and was going to begin taking a camera with him. He believed public education, hunter education and public service announcements would help with a minimum amount of money. He recommended keeping the season as it is.

Jake Stremel, Great Bend, said he was a waterfowl hunter and that the main reason crane season opened was because of crop depredation. The birds dig out the roots of crops. They don't just eat the plants.

Ed Kliana, Great Bend, said he was a hunter and also a bird watcher. He has hunted both Quivira and Cheyenne Bottoms and has only seen one whooping crane and it was over a mile away. Even at that distance he can tell the difference. He added that the lifespan of a crane is about 20 years.

Stan Christiansen, Hudson, commented that whooping cranes were shot about three-quarters of a mile from his house. He found the first bird and his neighbor found the second one. There were three of us out hunting earlier that day and those three whooping cranes were not hanging around the sandhill crane. They were off by themselves. The current regulations should suffice. Hunting cranes is a whole new dimension of hunting waterfowl.

Joe Barkowski, Wichita Zoo's curator of birds, said that there only about 200 whooping cranes, total. An increase of these animals is very important and every one that is lost is also very important. Inconsequential is a bad word.

Unknown audience member asked if there was a standing reward open right now for information of someone shooting cranes. Hands said she didn't know.

Commissioner Johnston commented that the season opener of the first weekend in November was chosen in 1993 to avoid the greatest number of whooping cranes which were in the state. Current information indicates that the migration is getting later and recommended backing up the opening day of the crane season accordingly. Chairman Dykes said that this was a discussion item and there will be other opportunities for discussion. He recommended waiting to see what happens with this case.

Commissioner Meyer thanked everyone that sent him emails and staff that put together this report. He wanted to avoid taking a knee-jerk reaction to this incident. Staff has done a good job taking a look at all sides. He said his father used to complain about feeding the wildlife, and he respected what this economic loss can do to farmers. He supported studying to ensure doing the right thing, and starting the education process. Hunters have always been taught that before they pull the trigger, they need to make sure of what they are looking at. More law enforcement may be required.

Commissioner Sebelius said he echoed what Commissioner Johnston said, but he also wanted to know more facts before action was taken.

4. Comprehensive Wildlife Conservation Plan - Ken Brunson, wildlife diversity coordinator, and Laurie Yasui, planner, presented this report to the Commission (Exhibit Q). At the last meeting, Brunson gave an update. This year, Kansas will receive about \$800,000. Since that report, a session at the Fish and Wildlife Divisional Meeting has been scheduled for early February, to obtain in-house input. A Summit of Experts is planned for February 22 and 23 to gather input from the scientific community, interested organizations and constituents, and an e-mail announcement has been sent out. The species list has been posted on the internet, along with two reference documents. A habitat list has also been developed. A questionnaire on life history of Kansas wildlife has been distributed, and results will be compiled before the February meetings. For the list on the internet go to our agency website and there is a hotlink button that appears on the main page, called "Wildlife Conservation Plan (CWCP)".

Laura Downey, executive director, KACEE - Encouraged making education an important part of this plan on behalf of the KACEE board members. Only about 32 percent of the general public is well-informed about environmental issues. Another important point is the matching funds required. KACEE could partially help make that match. She thanked KDWP for its support. (Exhibit R - support handout from KACEE).

John Strickler, Manhattan, said he serves on the KACEE board, but spoke on behalf of Natural Resource Legacy Alliance. He was the acting Secretary for KDWP, but his actual background is in forestry. He supported a better education program that helps the public understand why KDWP makes the decisions it does. All agency heads are in the Alliance, and so far it has had two public hearings, heard many issues, and it was obvious that there was a great deal of interest, but there was one consistent theme -- the need for better information for the public. Progress is being made. The department does an excellent job with limited resources in terms of education. He said the Alliance would like to see a strengthened education plan in this Comprehensive Wildlife Conservation Plan (Exhibit S).

Brunson stated that adding education into the plan was a welcome suggestion, and that staff was disappointed that education was taken out of the plan in 2002. They are currently working to fix that nationally, but education would be included in the state plan.

5. Operation Game Thief/reward systems - Kevin Jones, Law Enforcement Division director presented this report to the Commission (Exhibit T). The Operation Game Thief (OGT) Program was started in September, 1984. The OGT hotline allows sportsmen to call a toll-free number to report violations. The first full year of operation was 1985 and there were 195 wildlife violations reported. In 1989, when the Kansas Fish and Game Commission and the Park and Resources Authority were merged to form the Kansas Department of Wildlife and Parks, the name was changed to Outdoor Alert to encompass vandalism and theft in the state parks. From the start of the program until 1999, the toll free number was answered at the Pratt Operations office by Law Enforcement division during regular business hours. On weekends, holidays and at night, a recording gave a second toll-free number which was answered by the Kansas Highway Patrol in the Wichita dispatch office. In 1999, the Kansas Highway Patrol changed their dispatch to a statewide center located in Salina and eliminated the dispatch center in Wichita. There was a period in December, 1999 when the program was inoperable. In January 2000, the name was changed back to Operation Game Thief and a new toll-free number was instituted, is answered at the Pratt Operations office by Law Enforcement Division during regular business hours and is transferred to an answering service on weekends, holidays and at night. During the first few years of OGT, about 200 wildlife violations were reported annually. The number of calls reporting violations dropped in the late 1990s to around 125 a year and has remained relatively steady at that level. About 25 percent of the reports have resulted in enforcement action. In 2004, there were 1,525 calls to the toll free number, with 9 percent or 151, being wildlife violation reports. The remaining 91 percent or 1,403 calls were general requests for department and wildlife information. In April 2004, a form was added to the department web page to allow wildlife violations to be reported online. There were eight wildlife violations reported and three forms with comments, but no violation. Current problems include: night and weekend calls go to answering service not trained as LE dispatch (some states train and use volunteers to answer phone, usually in metro areas); no statewide radio communications, must rely on county dispatchers and cell phones; and limited funds available in department budget. Options include: 1) Private group sponsor -- advantages: less load on department personnel; donations can be tax-deductible depending on the group sponsor; (a non-profit corporation under Section 501 (c) (3) of the Internal Revenue Code); and less likely to be viewed as conflict of interest or as coerced information by public and prosecutors if a private group. Disadvantages: problem of holding volunteer interest over time; may become more work for department personnel as interest wanes in sponsoring group; funding dependent on activities of sponsoring group; and less control over focus and direction of program. 2) Department program -- advantages: accountability of funds; ability to keep program focused on department goals; some funding sources not available to private group; (Court Ordered Restitution and license and permit check-box). Disadvantages: time and manpower needs; expenditure of department funds; and possible mistrust of government by potential callers. 3) Possible funding and reward sources include: volunteer fundraising (Texas has a large program); membership and sales such as prints, signs, cups, etc.; private and corporate donations; court ordered restitution; check box on licenses and permits; or civil court assessment. 4) Rewards given will be paid only if the informant states that a reward is desired prior to any investigation. Many callers refuse reward. Would need to have a schedule with set amounts: Colorado provides \$100 in most cases; Big game and endangered species -- \$250 (on a case-by-case basis); or board may approve larger reward in flagrant violations. Board or program director would determine: minimum rewards (most states \$25-50, some minimums \$100 or higher); and maximum reward amount would have to be set by the board (usually \$1,000-1,500). Set criteria for reward: case filed with arrest or citation issued (most states) or

when conviction is obtained (some states). 5) How rewards are issued: a code number is assigned to the callers during initial call and the caller is told when to call back to find out the result of their tip. Reward payments can be made in untraceable bank money orders or in cash and delivered as arranged with caller.

Chairman Dykes asked how many states offered rewards. Jones guessed most of the states probably have some type of reward system. A key component of law enforcement is information. However, the validity of the information must be considered if people are receiving a monetary award.

Marvin Whitehead, Kansas Bowhunters Association, said the KBA gives a \$250 reward on big game violations. NWTF has a similar program. KBA has given out two rewards this year, but a lot of the conservation officers don't know about the program. NWTF gives up to \$500 a year. The KBA gives \$250 no matter how many instances there are. Chairman Dykes commented that poaching was as bad as it has ever been and if this would help the Commission is interested. Commissioner Johnston urged the department to have some type of program and offer a reward for someone who helps get a conviction, not necessarily a phone number. The KBA can send the money to the CO if the person wants to remain anonymous. Jones said he was not sure all officers knew about these programs. Chairman Dykes said this could be a start. A lot of organizations start this type of thing for a fundraiser.

Unknown audience member asked if there was a way to do something after the conviction. He knew of several instances where the person was convicted, but nothing happened to him after the instance. He wondered where the punishment was. He also mentioned the Smith County attorney that was encouraging people to poach. Jones said that the legislature sets guidelines, but the judge has the ability to issue the penalty. That is a big issue that needs to be addressed. Bonding fees, as set by state statute, were adjusted a couple of meetings ago. KDWP will try to implement higher bonding amounts.

Commissioner Sebelius said most judges were cooperative. The area mentioned (Smith County) is in Sebelius' area and the judges met about a year ago. Most of those judges hand out pretty stiff fines. Local judges should be encouraged to take away hunting privileges, etc.

Bob Robel, Manhattan, said there has been an effort by sportsmen's clubs to address this very situation. They are making plans to get the county prosecutors to boost the fines. He felt something would come out of this soon.

Doug Phelps, Manhattan, said the KBA has a program that is marginally successful and so does the NWTF and most organizations in the state probably do. It would be great if these programs could corroborate with the department. Chairman Dykes said he thought that was a great idea -- to form a consortium and have the Kansas Wildlife Federation handle take the lead. The department would have a lot of complications in offering rewards to individuals. Phelps suggested that COs could set up the program and review and disperse it. Chairman Dykes said he thought Kelly's idea was a really good one. Conservation officers need know that these programs are out there. Jones suggested that KDWP look at other states to pattern a program after. He recommended meeting with organizations and coming back with a report. Regarding the question in the crane report about the reward, John Brooks, with the USFWS stated that there are rewards.

6. KAR 115-5-4. Nonresident bobcat hunting permit; tagging, disposal, legal equipment, shooting hours, and general provisions - Revenue Task Force Recommendation - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit U). The proposed regulation would create a nonresident bobcat hunting permit. The permit would allow the harvest of one bobcat per permit by hunting methods, which generally include firearms and archery equipment, calls, lures, baits and decoys. The use of trapping equipment or dogs would not be allowed under this permit. The season for the taking of bobcat would be the same as the regular furharvesting season, starting on the first Wednesday after the second Saturday of November and ending at the close of legal hours on February 15. The legal hours for taking

bobcat under this permit will be from one-half hour before sunrise to one-half hour after sunset. The cost of the permit will be \$100 plus appropriate issuance and service fees. Any bobcat harvested under this permit would be required to be tagged with a carcass coupon prior to leaving the site of kill and would allow one bobcat to be taken. The carcass tag would remain attached to the bobcat carcass or pelt until such time as it is presented to the department for tagging with a CITES export tag. The bobcat must be tagged by the department within seven days of harvest, as required by the existing furharvesting regulations. Any bobcat carcass or pelt could be given to another person by a written notice of donation. If a raw pelt was to be sold it could only be sold in Kansas to a licensed furdealer.

Chairman Dykes asked if there was any interest in this. Jones said he didn't know the numbers. Chairman Dykes asked if hunters would be by the permit if it was available. Jones said it was possible.

Jim Call, Hutchinson, said there were so many bobcats that a season like this was needed.

Unknown audience member said he would like to have a reduced license for residents as well as nonresidents.

Dan Kvacik said there were less than 6,000 bobcats taken each year.

Dustin Kvacik said he felt most of these permits would be bought after the fact.

W.R. Brecheisen, Chanute, said that with less than 6,000 bobcats taken last year, he didn't think that KDWP could really make any income from this.

John Moore, El Dorado, asked if high powered rifle hunting was allowed under this. Jones said it was. Moore asked about turkey hunters that are out there at the same time. Jones said this season would be during legal furharvesting seasons.

7. KAR 115-11-1. Controlled shooting areas; license application, issuance priority, and reporting - Kevin Jones, Law Enforcement Division director presented this report to the Commission (Exhibit V). This issue has been discussed with Kansas Sporthunting Association and Controlled Shooting Areas (CSA). This item recommends the revision of the reporting requirements for Controlled Shooting Areas. The current regulation requires the recording of daily bird releases by CSA operators. It is recommended that this provision be changed to allow the reporting of bird releases over a less specific timeframe. The regulation concerning CSAs requires operators to release a number of birds that is equal to or exceeding the total number of birds harvested during the operation's season. The current regulation prescribing the reporting requirements mandates that bird releases be recorded on a daily basis. If enacted, the proposed change would allow the release report to cover a longer period of time. By allowing reporting over a longer time period, the objective of the regulatory requirement could be met while simplifying the reporting process.

*Added to agenda.*

KAR 115-25-6. Chris Tymeson - This regulation has a provision for a youth turkey season, and states that youth hunt with a 20-year-old. That was changed in hunter education one week after this was passed, to allow them to hunt with an 18-year-old. Staff suggests that same change be made in this regulation.

### **C. Workshop Session**

1. KAR 115-4-2. Big game; general provisions - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit W). Wild turkeys are no longer classified as a big game species (Senate Bill 363). It is recommended that changes be made to this regulation to refer to "big game species and wild turkey" wherever the phrase "big game species" currently is used. The following changes are also recommended to address automated changes: 1) add a requirement for the hunter to include a time of kill and county on the carcass tag when the hunter signs the tag (The carcass tag will be printed with a bold warning on the signature line

indicating; “DO NOT SIGN UNTIL KILL HAS BEEN MADE”); 2) identification procedures for wild turkey shall be revised; and 3) a new regulation shall be written to address automated licensing procedures.

2. KAR 115-4-4. Big game; legal equipment and taking methods - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit X). Remove all references to turkey which is now covered under 115-4-8. Turkey will be added to a new regulation dealing with equipment for hunting turkey. It is recommended that section (d)(1) be changed from KAR 115-4-12 to KAR 115-4-2, to correct a printing error.

3. KAR 115-4-13. Deer permits; descriptions and restrictions - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit Y). The regulation contains the following items: 1) creates permit types that include: a white-tailed deer, either-sex permit valid during muzzleloader and firearms seasons; a white-tailed deer antlerless-only permit valid during any season with the appropriate equipment; an antlerless white-tailed deer game tag; firearm any-deer permit; archery any-deer permit; muzzleloader any-deer permit; leftover any-deer permits; hunt-own-land (HOL) permits, including resident HOL, nonresident HOL, and special HOL transferable permits; 2) nonresident deer permits shall be valid for the same season and same management unit as those for which the equivalent resident permits are valid; each deer permit or game tag shall be valid only for the species and antler category specified on the permit or game tag; and 3) antlerless deer are defined as a deer without a visible antler plainly protruding from the skull. Commissioner Wilson asked about the differences between white-tailed and mule deer. Fox said that year, once again, a review of this regulation has been requested, with an eye for potentially creating a mule deer-only permit. Clarification is necessary for the archery white-tailed deer permit issued to nonresident archers. It is recommended that a section be added to this regulation for an archery white-tailed deer permit to conform to current practices. It is proposed that a review will occur this year on the issue of separate management systems for mule deer and white-tailed deer.

4. KAR 115-25-9. Deer; open season, bag limit and permits - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit Z). Season dates for the 2005-2006 deer hunting are recommended as follows: Early Muzzleloader - September 10, 2005 to September 23, 2005; Youth and Disability - September 24, 2005 to September 25, 2005; Archery - October 1, 2005 to December 31, 2005 (because of military seasons – by running season clear through archers could hunt clear through, but would be required to wear blaze orange during firearms season); Early Firearms (DMU 19) - October 15, 2005 to October 23, 2005; Regular Firearms - November 30, 2005 to December 11, 2005; Extended Whitetail-antlerless-only season for eight days (plan to drop more units and drop some of the special seasons and hopefully cut down on the confusion) - January 1, 2006 to January 8, 2006; and Extended Archery (DMU 19) January 9, 2006 to January 31, 2006. The recommendation for the have game deadline for applications is: Nonresident - May 31, 2005; Resident - July 15, 2005; and Unlimited permits - December 30, 2005. Section (a)(1)(B) will need to be changed from statewide to two archery unit(s) designated on the permit and DMU 19. This will come back in April for vote. Game tag numbers will be available. Another suggestion is to require a hunter to get an antlered deer permit before they can get an antlerless deer permit.

Chairman Dykes asked about opening the DMU 19 season in the middle of the month. Fox said that it hadn't been considered. Commissioner Johnston asked about renewing the change on allowing people to hunt the units surrounding DMU 19. Fox said this allows hunters to fill their permit in the surrounding area the same as last year. Commissioner Johnston said he thought this unit was created because of populations on the highway and wondered if that information was still being gathered. Fox said information was being compiled on a county-by-county basis. Last year was the first year for DMU 19, and had the highest deer density in the state. Commissioner Johnston asked if the population was still so high that it has to be repeated. Fox said he would



compile that information and get that back to the Commission. Staff has also been working on an indices of all of the accidents that happened in January and February of last year. Commissioner Johnston asked if the deer/accident report would separate the city from the country. Fox said it was county-wide only.

Unknown audience member said deer/vehicle accidents should be the only thin used, and wondered if anything else was used. Fox said hunter report cards were also used.

Michael Pearce, Wichita Eagle, asked if reducing the number of units was being considered. Fox said it was not being considered at this time. Data is being reviewed unit by unit and input from department staff will also be considered. Permit numbers for units will be available in April.

Unknown audience member said that the longer the January season runs the more bucks that are killed. Fox pointed to KAR 115-25-10, noting that there has been late seasons in the Chautauqua Hills since 1988, along with mandatory check stations. When there weren't check stations, staff did meat locker inspections. Hunter report cards were also used to gather data, and all information says that few adult males area taken during January seasons.

5. KAR 115-25-10. Deer; special southeast firearms season, bag limit, game tags, application, and hunter reporting requirements - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit AA). Last year problems were addressed in a small area. This allowed hunters to buy a game tag for \$11.00 and they had the whole month of January to hunt. This season did not generate hunting pressure at all, and the results have been discouraging. Of 385 game tags authorized (350 for residents and 35 for nonresidents), only 219 people applied for a game tag last year, and so far only 161 have applied for a special game tag for the 2005 season. This regulation allowed for a potential harvest of 1,540 deer. Typically the hunter success in DMU 12 is approximately 50 percent and therefore a harvest of 600 to 800 deer was expected. However, hunters harvested only 75 deer during the 2004 season. Public input is desired on the regulation for this season. The staff recommendation is to discontinue this season and recommend that the whole unit be open for only eight days.

Dave Easton, Manhattan, asked if the low participation and low harvest was because the land is locked up and hunters don't have a place to hunt. Fox said that access was restricted and people have a tendency to protect their deer. Hunters and landowners control the deer populations in that area. Land values in that area are also influenced by whether they have deer or not.

6. KAR 115-4-4a. Wild turkey; legal equipment and taking methods - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit BB). These turkey regulations are provided as a result of KSA 32-701 as amended by the legislature to remove wild turkey from the designation of big game. Provisions for wild turkey have been taken from KAR 115-4-4 to establish this regulation specifically for wild turkey. A detailed regulation will be presented later.

7. KAR 115-25-5. Turkey; fall season, bag limit and permits - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit CC). This recommendation is to continue turkey season through firearms deer season, with no split. Work is under way to develop the necessary regulation(s) to implement the provisions of this statute which is effective January 1, 2005. Chairman Dykes asked if turkey hunters would be required to wear blaze orange during deer season. Applegate said they would be. Chairman Dykes asked if a conflict would occur between deer hunters and turkey hunters. Applegate said that while fall turkey hunters have increased from 5,000 to about 7,000, there is enough land available for turkey and deer hunters with minimal conflict, because there are only 7,000 people in  $\frac{3}{4}$  of the state. This would have to be monitored because there are no examples to draw from. Chairman Dykes said he had reservations about that because of the safety element.

Commissioner Johnston, Commissioner Meyer and Commissioner Wilson agreed with Chairman Dykes.

Doug Phelps, Manhattan, asked about problems for law enforcement with people with bows and shotguns at the same time?

Dan Ward, Kansas Wildlife Federation, said that Spencer Tomb asked him to read a letter, but because of the time he made a summary (handed out KWF summary and memo from Spencer Tomb – Exhibit DD).

Unknown audience member asked if deer and turkey hunting would be allowed on Fort Riley. Norman Bramlett, Grantville, said he didn't want to be out there hunting during deer season and have someone shoot at his decoy.

Dan Ward brought up the incident where the boy was shot by his brother when he was trying to sneak up on him. The same could happen here.

John Moore, NWTF, said his organization opposed this recommendation. NWTF members agree that it is best to step aside and let the deer hunters have their 12 days. Kansas turkey hunters already have the 12<sup>th</sup> longest season of 48 states that have a season. Wearing blaze orange in turkey season would also be counter-productive. Chairman Dykes asked if NWTF wanted the Commission to drop that part of this that allows turkey hunting during the deer season. Moore said they didn't want turkey hunting during any rifle season. Commissioner Johnston said that the special January antlerless deer season ends Jan. 8, then the turkey season could open, January 9 through 31, picking up 3 weeks.

8. KAR 115-25-7. Antelope; open season, bag limit and permits - Matt Peek, wildlife research biologist, presented this report to the Commission (Exhibit EE). There is a possibility of reopening archery season after closing the firearms season. There has been a nine-day archery season since 1985, unlimited permits since 1990. Success rates are low, less than 15 percent and impact is limited. Peek asked for guidance from the Commission on this suggestion. Chairman Dykes asked if the proposed archery dates were September 24 to October 2. Peek said that would be with no change. This proposal would reopen the season on October 15 and run it through the end of the month. The structure would be the same as in the past. (Exhibit FF – Antelope Survey Results).

9. KAR 115-25-8. Elk; open season, bag limit and permits - Matt Peek, wildlife research biologist, presented this report to the Commission (Exhibit GG). Permit recommendations will be presented at the next meeting. The proposed season dates outside the boundaries of Fort Riley are: September 1, 2005 through September 30, 2005 for the muzzleloader season, October 1, 2005 through November 29, 2005, and December 12-31, 2005, for the archery season; and November 30, 2005 through December 11, 2005, and January 1, 2006 through March 15, 2006 for the firearms seasons. The proposed season dates on Fort Riley are: a) October 1, 2005 through December 31, 2005 for the firearms seasons with one-third of the antlerless-only permits valid during each of the following segments - First segment: October 1, 2005 through October 31, 2005; Second segment: November 1, 2005 through November 30, 2005; and Third segment: December 1, 2005 through December 31, 2005. b) October 1, 2005 through December 31, 2005 for a firearms season for all holders of any-elk permits. Limited-draw permit allocations will be determined closer to the completion of the ongoing 2004-2005 season. Elk permits will be available only to Kansas residents. The proposal is to separate applications into military and nonmilitary applicants, as has been done in the past. An unlimited number of hunt-own-land antlerless-only elk permits are recommended. The bag limit shall be one elk as specified on the permit. It is recommended that the application deadline for elk permits be similar to the 2003 period. The corresponding date would be July 15, 2005. Hunt-own-land permits would be available through the next to last day of the season.

**VII. RECESS AT 6:00 p.m.**

**VIII. RECONVENE AT 7:00 p.m.**

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

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

**XI. DEPARTMENT REPORT**

**C. Workshop Session (continued)**

10. KAR 115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement and restrictions - state law action pertaining to exotic cat ownership and proposal to add New Zealand mud snail to prohibited species list - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit HH). There are two issues within this regulation to be covered. The first one is to add the New Zealand mudsnail, an invasive species that has the potential to significantly alter the aquatic ecosystem in Kansas, to the prohibited species list in this regulation. The department currently lacks the authority to restrict the importation, possession, or release. This species was discovered in North America in 1987 and has rapidly spread throughout the western United States. These snails degrade habitat with their high reproductive capacity, and reductions in insect species could diminish the availability of this critical food source. This will be voted on at the next Commission meeting.

The second issue is the state law pertaining to exotic cat ownership (Exhibit II – PowerPoint presentation). At the January 2004 Commission meeting the department was directed to review and make recommendations concerning the ownership and possession of large cats, shortly after the passage of the Captive Wildlife Safety Act by Congress and concerns expressed by local government entities and general public. Several meetings have occurred between the department, the Governor's Office, the Secretary of State's office, other governmental agencies, zoological facilities and private citizens. It is recommended that KAR 115-18-10 be changed as follows: 1) The list of animals that are prohibited from importation, possession or release in the state be expanded to include: lions, tigers, leopards, jaguars, cheetahs, and mountain lions, or any hybrid of these animals; all bears; and wolves. 2) Upon enactment, importation into Kansas for permanent possession would be prohibited except as authorized by importation or possession permit, or exempt status. Transportation through the state by parties authorized under the Captive Wildlife Safety Act would be allowed. 3) Animals in possession on or after January 1, 2006 shall be held in accordance to a possession permit. Possession permit would be valid for the life of animal; animal would have to be identified by tattoo, tag, microchip or other identification marker; transfer of ownership must be to other permitted or exempt parties and authorized prior to transfer; and no breeding would be allowed after January 1, 2006. 4) An application for possession would require: location and description of holding facility; escape and recapture plans; proof of ownership; and written proof of required authorizations by local governing entity. 5) Possession permits would limit the possession of an animal to: the permitted facility; require confinement or control of animal at all times; and off-site transportation for veterinary care or permanent transfer. 6) Applications or permits are subject to refusal, suspension or revocation if: information is false or incomplete; permit is not in the best interest of the public or natural resources of the state; failure to meet or violations of permit requirements; conflict with other federal, state or local law, rule or ordinance; animal's welfare is jeopardized; or inadequate facilities. 7) Any animal intentionally released into the wild or that escapes and is not recaptured in three days would be considered feral and subject to the Secretary's order to collect and remove the animal from the lands or waters of the state. 8) Exemptions: zoos as defined in regulation; sanctuaries, as defined; circuses, operating in state on limited basis; colleges or universities for scientific purposes; or veterinarians providing medical treatment. In addition to these changes to KAR 115-18-10, the following regulations would be affected as follows: KAR 115-20-3 would be repealed and the necessary provisions added to KAR 115-18-10; and KAR 115-20-4 would be

repealed because the possession permit requirements for mountain lions, bears and wolves would be completely covered in KAR 115-18-10. KAR 115-12-3 would be revised to remove mountain lions, bears and wolves from game breeder requirements. KAR 115-1-1 would include the definition of "zoos"- "Facilities operated by municipalities and other government agencies; Private facilities accredited by the American Zoo and Aquarium Association"; and "sanctuaries" - "A facility holding a 501(c)(3) nonprofit status; is operated as a place of refuge for abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wildlife; does not conduct any commercial activity with subject wildlife; does not show or display the wildlife; does not breed subject wildlife, except as an integral part of the species survival plan of the American Zoo and Aquarium Association". Chairman Dykes asked if this regulation would cover large cats, wolves and bears and any hybrid. Jones said it would include hybrid cat species, but not hybrid wolves. Steve Schwarm, attorney, Topeka, represented several groups and said his clients felt it was appropriate to bring forth details and enforcement. He asked the commission what the background was for the statute and what was to be accomplished by the regulation. The overview seems to be a ban of selected animals. The animals can be permitted for their life, but as they die out can not be bred, but housed only. "Puppy mills" have regulations and standards in place. This regulation has recognition for public zoos and sanctuaries, but not private individuals. He asked if the agency was willing to turn this over to a private organization. If an animal escapes from a zoo there is the same safety issue. Chairman Dykes clarified that Schwarm was looking at the technical use of the language, indicating that these issues should be taken up with the person who drafted the language Schwarm said that this can be resolved in working with legal counsel and that these issues lead up to asking for a task force or working group to work out these issues. Chairman Dykes commented that this was not the first time this issue has been discussed. Jones said that this was the first time he'd heard of these issues. Schwarm said his clients wanted to bring their issues together collectively. Chairman Dykes said he didn't think this is going to help decide those issues. He asked Schwarm to get with Jones and Tymeson and to work something out. Dykes asked Tymeson if language was drafted. Tymeson said he needed direction before he could write the proper language.

Lynn Culver said he was at the October meeting and was representing the Feline Conservation Federation (FCF). Information has been emailed to Commissioners (Exhibit JJ). The FCF is concerned with preserving captive gene pools. The Captive Wildlife Safety Act seems to be driving this regulation, but there are no provisions to allow Class C USDA exhibitors. Maybe there is a fear of captive breeding. The FCF prefers including, not prohibit, breeding, exhibiting and educational display of these animals. Chairman Dykes said the department has heard this and has decided to exclude that language. Culver said breeders have different gene pools than zoos. The FCF wants the department to come up with a permit system to allow captive breeding. Irene Satterfield, Olathe, said she took the regulations and modified them for Kansas (Exhibit KK). She provided software she built to handle permits and licenses. She volunteered to help manage the data, inspect the facilities and get the best solution.

Vicky Harvey, said she understood that primates had been taken out of this regulation, however, she had over 500 petitions signed by residents of Kansas. These people are against total bans of anything and they want to be able to have these animals displaced. They want to see regulations. Improper delegation to a non-government agency as part of it's standard. This can be resolved in working with legal counsel. It is impossible for the private owner to keep up with ASA regulations. This can be resolved in working with legal counsel guidelines. She asked the Commission to reconsider regulating and not banning. Caging is very important; owners don't want any escapes, either. Fines can be imposed, permits, etc. that would fund this program. Scott Shoemaker, Sunset Zoo represented the zoos of Kansas, and spoke in support of the proposal. Zoos have concerns about habitat and escapes. There is almost no conservation value of these privately owned animals. Zoos get calls all the time from people wanting the zoos to take in animals. AZA standards are rigorous for a reason.

Linda Sloan, Topeka, said she was not with an organization, but was a business woman. She asked Commissioner if any had been to one of the sanctuaries. (Dr. Harrington said he had.)

Most of these people take care of these animals. She said she didn't understand what the whole problem was, and encouraged Commissioners to visit one before they made a decision.

Schane Anderson, Sedgwick County Zoo, said that accredited zoos and educational organizations do not feel that using the animals for educational purposes, as they are being used, is right. He didn't feel this ban will hurt the education.

Staci Williams, owns Lightning Ranch, a sanctuary, which provides programs for Girl Scouts of America and several other groups, as well as homes for displaced animals. Sanctuaries cannot be accredited under the Zoological Association.

Chairman Dykes asked about the AZA standards. Jones said that it allowed zoos only.

Scott Shoemaker said that sanctuaries could be accredited as related facilities. Williams - ASA allows educational, but displaced animals. Commissioner Johnston - Do you do breeding?

Williams said they did not, but they had an exhibitor license.

Ryan Gucker, Sunset Zoo, said that ASA does not allow breeding. He didn't object to sanctuaries taking in animals, but did object to breeding.

Matt Baker said he was against banning and thought that personal freedom has to come into this. He asked what the problem was that big cats had to be forced into extinction. Jones said the Captive Wildlife Safety Act does have some bearing. The department has had calls from counties and municipalities asking it to control these animals. This has been generated over a course of time and several areas have already banned animals and the department has been asked to do this on a statewide basis. Baker said that most of the counties are small rural communities. Because they ban them out of sheer ignorance doesn't mean that the department should ban them. He compared the people killed in car accidents and asked who many were killed by big cats. He admitted that there are bad animal owners. But he said driving isn't banned because of drunk drivers. Enforcement needs to be stepped up. He asked for clarification that under this proposal that private ownership would not exist by 2010. He said he had traded bloodlines and shipped animals overseas and contributed to a gene pool or a zoo that hopefully was good. Commissioner Meyer said his concern is not for the people, but for the cats. He said he appreciated all of the information that he'd received. There are animals that are being abused, but sanctuaries are needed for these animals. He referred to people talking about cages made out of sucker rod, which he said he would never weld with. He said with those materials some cats could get free with a good swipe of their paw. Baker shared Meyer's concern, and said he could point out two or three unsafe places within driving distance of his home. He said he attended the feline husbandry course taught by the Feline Conservation Federation, which addressed these issues. There are good responsible people out there. He said he would be happy to meet whatever standards the department set out, but didn't want to see a ban on all private ownership. Chairman Dykes asked if he could become an AZA facility. Baker said he probably could, but the AZA does not want to be associated with private ownership. The zoo is the only one that can do it right, in their opinion.

Commissioner Meyer voiced another concern, saying that from emails he received people indicated that they would keep cats even if they are banned, breaking the law. Baker said thought tighter control was needed, and that self-policing of any industry is the best medicine. Chairman Dykes asked why they hadn't self policed themselves already. Baker said it was fear of repercussions from animal rights people, who might burn barns down or turn animals loose.

Commissioner Wilson asked about Baker's claim of sending animals overseas. Baker said he was a hobby breeder. The animals he referred to are all CITES animals. He added that he loved the animals and kept them in immaculate conditions. Commissioner Wilson asked if sanctuaries did not include breeding, except AZA accredited facilities. Williams said they had been approached recently to sell an animal, but not being accredited, they could not send this animal to the zoo.

Ryan Gucker said there are a couple of organizations that participate with the AZA that are larger facilities with financial security. All big cats have a genetic history. His zoo can know where its cats' parents, grandparents, etc. come from. There are some cats that are so hybridized that lineage can't be known. There is really no benefit to private owner programs. He said he had

been in the field for 21 years, and was sure some people here take great care of their animals. But he saw an enormous problem with 10,000 cats in private hands. If people want to meet some type of standard, we might not be opposed to that.

Adrian Mutlow, Rolling Hills Zoo, said that if there is a plan in place, it is entirely private and is accredited.

Christina Harris, Student at Kansas State University, mentioned seeing tigers in car lots to advertise cars. She was concerned about exploitation of these animals.

Tom Harvey, Safari Zoological Park said he was at the October meeting and that this was an important issue. If AZA is the answer to private owner problems, then AZA zoos have problems, too. They are inspected by USDA the same as private owners. He said they have sent animals to zoos, but it had been years since they sold any animals in Kansas. He said he had been doing this since he was four years old. His wife is a teacher and they do educational programs. People come from all over the world to see their animals. Just because an owner is not AZA does not mean they don't know what they are doing. This issue reminded him of a divorce and the animals are the kids caught in the middle. Safety is not a big issue. In Kansas there were over 250,000 dog bites and there is an issue. The AZA accreditation is virtually impossible to obtain. Culver – said there was a letter in the packet given to Commissioner that was sent to AZA asking for them to reconsider their evaluation. Harvey presented an award that he won for a program called “Struggle for Survival.” He said they try to bring the people to them rather than take animals out. Chairman Dykes said Harvey made some good points, and the Safari Park is not the problem here. But he added that with all of the bad publicity the groups should have seen this coming. Harvey said that the Commission has the ability to destroy his business. Chairman Dykes said that if a loophole to accommodate Safari Park and other groups couldn't be found, then such a regulation would put them out of business. Dykes said a compromise is to find the fine line to allow some reputable operators to become accredited. Harvey said he would be out of business. Chairman Dykes said this was a problem that no one was dealing with. Commissioner Meyer said the Commission wanted to listen to everyone and wanted to provide some accommodations to good reliable people.

Commissioner Wilson asked about the timeline for this regulation. She asked if the Commission was ready to give some direction or if some of the comments needed more consideration.

Chairman Dykes said he thought ways to accommodate some of these suggestions needed to be looked at.

Unknown audience member said they would like answers to all of the questions asked at the meeting. Chairman Dykes said language needed to be drafted for the April meeting. The Commission has been dealing with this for a long time.

Williams asked why mud snails part of this. Jones said that the mud snails were part of this regulation because they are prohibited species. This is not one that is in private ownership. It is part of the aquatic nuisance plan that needs to be done. This allows us to prohibit that from being introduced into the state. Cats are covered in a broader base within this regulation.

Chairman Dykes asked Jones to check out other permitting, such as ASA.

Culver said he would like the department to also look at FCF or UZA accreditation.

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

*Kansas Legislative Research Department and Attorney General's office comments (Exhibit LL).*

1. KAR 115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit MM). This permanent regulation has been reviewed several times and recommended the Commission pass it as proposed. A possible amendment with a few minor

changes that came up as a result of comments has been added (Exhibit NN).

Commissioner Wilson clarified that the amendment does not replace the regulation. Jones said that it was in addition to the regulation.

Diane Johnson, Operation Wildlife, referred to an email to Commissioners (Exhibit OO). She said she didn't feel the regulation was ready for a vote yet, and she had new information on one of the issues. She said it did not define "wildlife" and asked that zoos and nature centers be omitted from this. They would be in violation of federal law. Chairman Dykes said these points have been seen before. Johnson said she had new evidence. She said minimum standards require that animals must be housed in a separate area than domestic animals, and she asked that the regulation be amended that domestic animals be used for surrogates. Chairman Dykes said that an old regulation had been vastly improved, largely due to Johnson's input and that it was a year from being changed. He proposed that the Commission act on it and then sit down to amend it sometime in the future. Johnson said she felt the regulation was three steps away from perfect.

Krista Berner said she and her husband rehabilitate birds of prey and are members of the Colorado Council of Rehabilitation, attending continuing education classes there (Exhibit PP - Colorado regulations). She asked if applications were only for new applicants or for existing rehabilitators. Jones said all facilities would need to pass the standards set forth.

Chris Berner said the test is mainly for small animals, but they rehabilitated only birds of prey.

K. Berner said they are federally permitted. C. Berner said they didn't understand why they would have to pass a test for small mammals. K. Berner said they were involved with the original work group with (former Commissioner) Lori Hall. C. Berner said that there no specific definitions for birds of prey, which is all they rehabilitate. K. Berner said they have basic knowledge of other animals, but their knowledge is with birds of prey only. C. Berner said that there should be a provision under that guideline for specific breeds. Chairman Dykes said it was not uncommon to be tested in other fields.

Johnson said she was accredited under that, and it is not species specific.

C. Berner asked if the department would supply study materials so they could pass the test. Jones said that one of the ways to become a rehabilitator could be to pass a department test. Chairman Dykes said the last thing the department wanted was to stop qualified people from rehabilitating birds of prey.

**Commissioner Meyer moved to bring KAR 115-18-1 before Commission. Commissioner Harrington seconded.**

**Commissioner Harrington moved to amend KAR 115-18-1. Commissioner Meyer seconded.**

**The roll call vote to amend KAR 115-18-1 was as follows (Exhibit QQ):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to amend KAR 115-18-1 passed 5-0.**

**Commissioner Meyer moved to accept KAR 115-18-1 as amended, Commissioner Harrington seconded.**

**The roll call vote on amended KAR 115-18-1 was as follows (Exhibit QQ):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-18-1 as amended passed 5-0.**

2. KAR 115-4-6. Deer; firearm management units - unit archery permitting - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit RR). The proposed regulation would create the Landowner Deer Management Program (LDMP) areas as separate from the firearms deer management units and a new regulation is being enacted creating archery deer management units. Both changes are a result of legislation passed by the 2004 Legislature. In addition, the boundary of Unit 19 is being expanded to accommodate the City of Leavenworth so it can better manage its deer population. The LDMP was enacted in October. That program requires permits that are valid on only the specified properties enrolled in the program. The city of Leavenworth has initiated an urban deer management program. They have requested a change in the boundary between DMU 10 and 19 so that people in the majority of the city could be allowed more game tags and use of the extended seasons. It is the recommendation of the staff to change KAR 115-4-6 to exclude LDMP properties from each deer management unit. It is also our recommendation to realign the boundary between DMU 10 and DMU 19 to include areas of the city of Leavenworth in the DMU 19.

Commissioner Harrington asked for a brief rationale for the proposed changes. Fox said th LDMP properties would be closed within a unit unless a hunter had one of the LDMP permits. The realignment of DMU 19 is because Leavenworth wants to include as much of their city as they can. The proposed change gets the majority of the city.

Jan Rudman, Douglas County, said he lived in the middle of DMU 19 and this is a quantity unit versus quality. He said he knew of one outfitter who leased 3,000 acres in the middle of DMU 19, south of Lawrence. The opposite is happening, then what the department tried to accomplish. No does are being taken on that ground. In some respects something has to be thought through on that.

**Commissioner Johnston moved to approve KAR 115-4-6 as proposed. Commissioner Harrington seconded.**

**The roll call vote on proposed KAR 115-4-6 was as follows (Exhibit SS):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>



**The motion to approve KAR 115-4-6, passed 5-0.**

3. KAR 115-4-6a. Deer; archery management units - unit archery permitting - Lloyd Fox, wildlife research biologist, presented this report to the Commission (Exhibit TT). The proposed regulation is as a result of legislation (Senate Bill 363) passed and signed during the 2004 legislative session. Various unit boundaries were considered for the creation of archery deer management units. Public and Commission input was accepted at public meetings in August and October 2004. It is the recommendation of the staff to create 10 archery deer management units using the existing boundary lines of firearm management units. The units would be created by combining some adjacent firearms management units and by using the same boundaries as firearms units (Exhibit UU - handouts).

Unknown audience member asked if there were a certain number of permits for each area. Fox said this regulation only dealt with the boundary lines. Those numbers will be in KAR 115-25-9, which will be acted on in April and each resident will be allowed two units and DMU 19, so three units. Nonresidents would be allowed one unit. If a landowner transfers the permit, then the permit becomes restricted to two counties the landowner owns land in.

Chairman Dykes asked if the proposal was for two contiguous units. Secretary Hayden said that was discussed but it was decided they could be any two units.

Commissioner Meyer commented that there was legislation for next year to get rid of the units (Exhibit VV).

Chairman Dykes said it as conceivable that if the repeal goes through, the Commission could come back and change KAR 115-25-9 to be good in any unit (basically statewide again).

Tymeson said this regulation needed to be set now, but if legislation is passed before KAR 115-25-9 comes up for vote this could be changed, but if that does not happen in time, then units will have to be in regulation for this year.

Dave Easton commented that a year ago this month, the Commission voted to not have units and someone took the question to the round top building and went over those wishes. He recommended hunter get in touch with their legislators right now to get this repealed.

Unknown audience member asked what would happen if they all decided to go down to Unit 16 and all hunt there. Chairman Dykes said he assumed the department will limit the units.

Unknown Audience member asked why residents couldn't hunt statewide?

Unknown audience said it sounded like it was the legislature that voted this in. It was slipped in. Commissioner Meyer said the bill allows us to work through the system. With the correct input this can be fixed.

Unknown audience member asked who they should know who to contact. Chairman Dykes asked the audience member to discuss it amongst themselves.

**Commissioner Meyer moved to approve KAR 115-4-6a as proposed. Commissioner Wilson seconded.**

**The roll call vote on proposed KAR 115-4-6a was as follows (Exhibit WW):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-4-6a, passed 7-0.**

Representative Ann Mah commented that the unit amendment had been slipped in. She said she was on the Wildlife and Parks Committee, but they needed everybody's support.

4. KAR 115-15-1. Threatened and endangered species; general provisions - Ed Miller, wildlife biologist, presented this report to the Commission (Exhibit XX). He thanked members of the working group for all of their hard work. The proposed changes to the regulation are as follows: add one new endangered species: Silver Chub, *Macryhbopsis storeriana*; and remove two threatened species: Texas night snake, *Hypsiglena torquata jani* and White-faced ibis, *Plegadi chihi*.

**Commissioner Wilson moved to approve KAR 115-15-1 as proposed. Commissioner Harrington seconded.**

**The roll call vote on proposed KAR 115-15-1 was as follows (Exhibit YY):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-15-1, passed 5-0.**

5. KAR 115-15-2. Nongame species; general provisions - Ed Miller, wildlife biologist, presented this report to the Commission (Exhibit ZZ). The proposed changes to the regulation are as follows: add three new Species in Need of Conservation (SINC) species: Texas night snake, *Hypsiglena torquata jani*, Delta hydrobe, *Probythinella emarginata*, Brindled madtom, *Noturus miurus*; and remove two SINC species: Red-shouldered hawk, *Buteo lineatus*, Eastern chipmunk, *Tamias striatus*.

**Commissioner Harrington moved to approve KAR 115-15-2 as proposed. Commissioner Wilson seconded.**

**The roll call vote on proposed KAR 115-15-2 was as follows (Exhibit AAA):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-15-2, passed 5-0.**

6. KAR 115-2-1. Amount of fees - Revenue Task Force recommendations Mike Miller, magazine editor and special assistant to the Assistant Secretary for Operations, presented this report to the Commission (Exhibit BBB). The proposed changes would establish an elk permit

application fee; an any-deer permit preference point service charge; a limited draw turkey permit preference point service charge; realign wild turkey permit fees; increase nonresident deer permit fees; increase lifetime hunting, fishing, combination and furharvesting license fees; establish a third pole permit fee for fishing; and create a nonresident bobcat permit as a subset of the nonresident furharvester license. There is no current fee for third pole fishing permits, nonresident bobcat permits, elk applications and any-deer preference points. It is anticipated that the third pole permit fee will generate approximately \$200,000 annually, nonresident bobcat permits will generate approximately \$100,000 annually, elk application charges will generate approximately \$7,730 annually, turkey preference point charges will generate approximately \$1,000 annually, and any-deer preference point charges will generate approximately \$30,475 annually, all of which will accrue to the wildlife fee fund. The turkey realignment will not generate any additional income as it is primarily a regulatory shift from big game to its own regulatory category and there is no increase in fees. The lifetime license fee increases, currently \$300 or \$600 for a combination will increase to \$440 and \$880 and will generate approximately \$371,140 annually for all categories, all of which will accrue to the wildlife conservation fund. The nonresident deer permit fee increase, currently \$200 will increase to \$300 and will generate approximately \$1,200,000 annually, all of which will accrue to the wildlife fee fund. Otherwise, we anticipate no substantive impact to the department, other agencies or the public. Commissioner Wilson asked if the nonresident bobcat permit the one discussed earlier. Tymeson said there is no current permit, but a fee needs to be established incase the regulation is passed later.

Unknown audience member asked if the bobcat permit stuck in this regulation would take place if this passes. Tymeson said this regulation only establishes a price, should one be offered at a later date. Unknown audience member expressed concern is that these permits will be bought after the fact.

Unknown audience member expressed concern is that there is one law for residents and another for nonresidents.

**Commissioner Meyer moved to approve KAR 115-2-1 as proposed. Commissioner Harrington seconded.**

**The roll call vote on proposed KAR 115-2-1 was as follows (Exhibit CCC):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-2-1, passed 5-0.**

7. KAR 115-3-2. Rabbits, hares and squirrels; legal equipment, taking methods and possession - night scope issue - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit DDD). He summarized Public Hearing Items 7-9 as they are all regulations that would place a prohibition on night vision equipment. Night vision equipment is listed as “optical scopes or sights that project visible light toward the target and electronically amplifies visible or infrared light”.

**Commissioner Wilson moved to approve KAR 115-3-2 as proposed. Commissioner Johnston seconded.**

**The roll call vote on proposed KAR 115-3-2 was as follows (Exhibit EEE):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-3-2, passed 5-0.**

8. KAR 115-5-1. Furbearers and coyotes; legal equipment, taking methods and general provisions - night scope issue - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit FFF). The proposed change would be to restrict the use of night vision scopes while hunting.

**Commissioner Meyer moved to approve KAR 115-5-1 as proposed. Commissioner Wilson seconded.**

**The roll call vote on proposed KAR 115-5-1 was as follows (Exhibit GGG):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-5-1, passed 5-0.**

9. KAR 115-20-1. Crows; legal equipment, taking methods, and possession - night scope issue - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit HHH). The proposed change would be to restrict the use of night vision equipment when hunting crows.

**Commissioner Harrington moved to approve KAR 115-20-1 as proposed. Commissioner Meyer seconded.**

**The roll call vote on proposed KAR 115-20-1 was as follows (Exhibit III):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-20-1, passed 5-0.**

10. KAR 115-20-2. Certain wildlife; legal equipment, taking methods, possession and license requirement - night scope issue - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit JJJ). The proposed change would be to restrict the use of night vision equipment while hunting. As a result of the Joint Committee on Rules and Regulations meeting comment, the department suggests the following amendment be made to the version of the regulation submitted for public comment: restructuring the regulation alphabetically in certain sections; and the word “electronically” was inadvertently omitted to add that (Exhibit KKK). Tymeson said that the amendment asked the department to alphabetize the list.

**Commissioner Harrington moved to bring KAR 115-20-2 before the Commission.  
Commissioner Meyer seconded.**

**Commissioner Harrington moved to amend KAR 115-20-2. Commissioner Johnston seconded.**

**The roll call vote to amend KAR 115-20-2 was as follows (Exhibit LLL):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to amend KAR 115-20-2 as presented, passed 5-0.**

**Commissioner Harrington moved to approve amended KAR 115-20-2 as proposed.  
Commissioner Johnston seconded.**

**The roll call vote on amended KAR 115-20-2 was as follows (Exhibit LLL):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-20-2 as amended, passed 5-0.**

11. KAR 115-7-2. Fishing; general provisions - 3<sup>rd</sup> pole - Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit MMM). This regulation establishes general provisions applicable to fishing in Kansas and would allow persons to use three fishing lines on all waters of the state pursuant to purchasing the appropriate third pole permit. This recommendation is a result of the Revenue Task Force recommendations and is intended to offer another alternative for anglers in Kansas. Chairman Dykes asked about the regulations on trot

lines, Miller said that in addition to two attended lines an angler can use eight set lines or one trot line with 25 hooks. Tymeson said he was checking to see if kids would have to do this. Nygren added that through the automated system, people will be asked if they want the third pole permit. All anglers would have to have this including kids.

**Commissioner Harrington moved to approve KAR 115-7-2 as proposed. Commissioner Meyer seconded.**

**The roll call vote on proposed KAR 115-7-2 was as follows (Exhibit NNN):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-7-2, passed 5-0.**

12. KAR 115-25-14. Fishing; creel limit, size limit, possession limit and open season - Fort Riley fish stocking and designated trout waters - Doug Nygren, Fisheries Section chief, presented this report to the Commission (Exhibit OOO). The proposed regulation would add Moon Lake, located on Fort Riley, to the list of waters where a trout permit is needed from October 15 to April 15 and would allow the department to take over the existing fish stocking program. There is an amendment as a result of comments from the Joint Committee on Rules and Regulations, asking us to alphabetize the listed waters (Exhibit PPP).

**Commissioner Harrington moved to bring KAR 115-25-14 before the Commission. Commissioner Meyer seconded.**

**Commissioner Harrington moved to amend KAR 115-25-14. Commissioner Meyer seconded.**

**The roll call vote to amend KAR 115-25-14 was as follows (Exhibit QQQ):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to amend KAR 115-25-14 as presented, passed 5-0.**

**Commissioner Wilson moved to approve amended KAR 115-25-14 as proposed. Commissioner Meyer seconded.**

**The roll call vote on amended KAR 115-25-14 was as follows (Exhibit QQQ):**

<b>Commissioner Fields</b>	<b>Absent</b>
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<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-25-14 as amended, passed 5-0.**

13. KAR 115-18-7. Use of crossbows for big game hunting by persons with disabilities: application, permit, and general provisions - night scope issue and turkey amendments - Kevin Jones, Law Enforcement Division director, presented this report to the Commission (Exhibit RRR). Pursuant to KSA 32-932, this regulation provides for the issuance of a permit to any person with a qualifying disability allowing the use of a crossbow to hunt big game. The proposed amendment would allow the department to clarify the use of telescopic sights as current language is unclear for participants in this activity. The department annually issues approximately 120 crossbow permits. No fee is currently charged for these permits. Tymeson added that on page three this also restricts night vision scopes.

**Commissioner Meyer moved to approve KAR 115-18-7 as proposed. Commissioner Wilson seconded.**

**The roll call vote on proposed KAR 115-18-7 was as follows (Exhibit SSS):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-18-7, passed 5-0.**

14. KAR 115-4-11. Big game permit applications - turkey amendments Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit TTT). This regulation currently addresses permit application requirements for obtaining big game permits. As a result of 2004 legislation (Senate Bill 364) removing turkey from big game as well as public comments requesting the purchase of preference points in lieu of applying for a permit, the proposed changes would allow the purchase of preference points for limited draw deer and antelope permits, allow antelope hunters to purchase an unlimited archery antelope permit as well as apply for firearm antelope permits without losing preference points in the draw system and establish a preference point system for limited draw turkey permits.

**Commissioner Meyer moved to approve KAR 115-4-11 as proposed. Commissioner Johnston seconded.**

**The roll call vote on proposed KAR 115-4-11 was as follows (Exhibit UUU):**  
**Commissioner Fields** **Absent**

<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-4-11, passed 5-0.**

15. KAR 115-9-4. Hunting or furharvester license purchase - automation and Revenue Task Force recommendations - Mike Miller, magazine editor and special assistant to the Assistant Secretary for Operations, presented this report to the Commission (Exhibit VVV). This permanent regulation allows individuals purchasing a hunting or furharvester license to attest, by their signature, to the completion of a hunter or furharvester education course. This permits individuals to obtain a hunting or furharvester license without displaying their hunter education certificate or card and is necessary because of the new Automated License system.

**Commissioner Johnston moved to approve KAR 115-9-4 as proposed. Commissioner Meyer seconded.**

**The roll call vote on proposed KAR 115-9-4 was as follows (Exhibit WWW):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>

**The motion to approve KAR 115-9-4, passed 5-0.**

16. KAR 115-11-2. Controlled shooting areas; operational requirements - turkey amendments - Roger Applegate, wildlife research biologist, presented this report to the Commission (Exhibit XXX). This permanent regulation establishes operational procedures for controlled shooting areas. The proposed changes clarify that wild turkeys, now a separate regulatory category, may be hunted on the controlled shooting area within the established season and with established permits.

**Commissioner Johnston moved to approve KAR 115-11-2 as proposed. Commissioner Harrington seconded.**

**The roll call vote on proposed KAR 115-11-2 was as follows (Exhibit YYY):**

<b>Commissioner Fields</b>	<b>Absent</b>
<b>Commissioner Harrington</b>	<b>Yes</b>
<b>Commissioner Johnston</b>	<b>Yes</b>
<b>Commissioner Meyer</b>	<b>Yes</b>
<b>Commissioner Sebelius</b>	<b>Absent</b>
<b>Commissioner Wilson</b>	<b>Yes</b>
<b>Commissioner Dykes</b>	<b>Yes</b>



**The motion to approve KAR 115-11-2, passed 5-0.**

17. Secretary's Resolutions. Free fishing and Park Entry days - Mike Hayden, Secretary, presented these reports to the Commission (Exhibit ZZZ). Under authorities contained in KSA 32-906(f), the dates of June 4 and 5, 2005 are established as "Free Fishing Days." All persons may fish in the waters of the State, by legal means, without a valid fishing license on these dates. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources.

Under authorities contained in KSA 32-906(e), the dates below have been established as "Free Park Entrance Days". Because of our 100<sup>th</sup> anniversary, the dates are scattered throughout the year, starting in January and ending November 6.

January 15 & 16, 2005 – Milford SP	February 26 & 27, 2005 – Clinton SP
April 23 & 24, 2005 – Cheney SP	May 7 & 8, 2005 – Kanopolis SP
May 7 & 8, 2005 – Prairie Dog SP	May 7 & 8, 2005 – Meade SP
May 7 & 8, 2005 – Pomona SP	May 7, 2005 – Fall River SP
May 7, 2005 – Cross Timbers SP	May 7, 2005 – Elk City SP
June 4 & 5, 2005 – Crawford SP	June 4 & 5, 2005 – Scott SP
June 4, 2005 – Cross Timbers SP	June 12, 2005 – Hillsdale SP
June 18 & 19, 2005 – Wilson SP	July 9 & 10, 2005 – Cedar Bluff SP
July 16 & 17, 2005 – Webster SP	August 13 & 14, 2005 – Eisenhower SP
August 20 & 21, 2005 – Tuttle Creek SP	September 10, 2005 – Hillsdale SP
September 17 & 18, 2005 – Lovewell SP	September 24 & 25, 2005 – Perry SP
September 24, 2005 – Fall River SP	September 24 & 25, 2005 – Mushroom Rock
October 1 & 2, 2005 – El Dorado SP	October 1 & 2, 2005 – Sand Hills SP
October 9, 2005 – Prairie Spirit Rail Trail	October 29, 2005 – Elk City SP
November 5 & 6, 2005 – Glen Elder SP	

All persons may enter any of the above Kansas state parks free-of-charge. All residents and visitors to the State of Kansas are encouraged to use this opportunity to enjoy our outdoor recreational resources. **Commissioners approved.**

**XII. OLD BUSINESS**

Eric Stong, B.A.S.S. Federation congratulated the department on the tournament at Cedar Bluff. It generated quite a bit of income for Hays. It may occur again in five years and was an excellent event.

Commissioner Meyer read his proposed amendment, and added that the number he gave earlier was incorrect, but the bill is sponsored by Representative Ruff (Exhibit VV). **Commissioner Meyer moved adoption, Commissioner Johnston seconded. All approved.**

**XIII. OTHER BUSINESS**

**A. Future Meeting Locations and Dates**

March 24, 2005, Beloit Municipal Building, 119 N. Hersey, Sutter Room, Beloit.

April 21, 2005, Holiday Inn Express, 4020 Parkview Drive, Pittsburg.

**XIV. ADJOURNMENT**

**Commissioner Harrington moved, Commissioner Wilson seconded to adjourn.**

The meeting adjourned at 9:39 p.m.

(Exhibits and/or Transcript available upon request)

Exhibit AAAA - Bob Mathews Public Hearing Summary.

# **Secretary's Remarks**

## 2005 Awards Parks Division

**Public Service Award 2005 - Dennis Nowlin**, a nine-year veteran seasonal ranger at Cedar Bluff State Park. Dennis is highly dedicated, and extremely dependable. During the peak park season, Dennis completes his duties as an Ellis Police officer, changes uniforms, puts on his KDWP hat and continues to protect and serve the park users. Dennis is always willing to help however, whenever, and whoever he can. Dennis uses his knowledge of the Department rules and procedures to make conscientious decisions when making a determination if a citation or an explanation is the right tool in any given situation. We are proud to have Dennis on our team!

**Director's Award 2005 - Manhattan Mountain Bike Patrol** Nate Schotanus, Leader. The patrol is a volunteer group that adopted the Fancy Creek trails in 2003 and has since expanded the trails from 4 miles to 5.5 miles and are on their way toward 8 miles. Keep in mind this is not the "get the tractor out and level a piece of ground." The trail area has large boulders, many trees, and steep terrain. No job is too big for them! The group does everything by hand to maintain the environment and integrity of the land and resources. To raise funds for trail surfacing and signage, the patrol has scheduled a special event "Find Your Element" for April 22-24, 2005. They are offering a mountain bike race, trail building workshops, local bands, skateboarding, and organization booths. I am proud to honor the Manhattan Mountain Bike Patrol.

**Merit Award 2005 - Cliff Ehrlich**. Cliff is our park manager at Webster State Park. During one hot and dry late afternoon last summer a fire broke out on private land across the road from Webster State Park. A camp supply store, a bait shop, a private residence, and several out buildings were fully engulfed and the winds pushing the fire across the road into the park. The park office and headquarters were directly in its path as Cliff responded. The headquarters area is surrounded by native cedar trees to lessen the visual intrusion of the viewscape. Several of the Cedar trees and many acres of the park went up in smoke, but Cliff single handedly kept the fire from destroying the headquarters complex and causing thousands of dollars lost. The office needs replacement, but not that way. I am proud to honor Cliff Ehrlich with the 2005 Merit award.

**Valor Award 2005 - Luke Nihart and Tony Reitz**. Luke is a park ranger at Tuttle Creek SP and Tony is a park ranger at Milford SP. Both, Luke and Tony risked their lives one night last May during a water rescue on Tuttle Creek reservoir. The call came in around midnight from the Pottawatomie County sheriff; a stranded boat with several passengers somewhere on the water during a severe storm weather event. The waves were 6 feet and more, their patrol boat began to take on water and lost power several times. At one point they could hear someone screaming above the sound of the stormy wind and waves. They had found one of the passengers; 20 minutes later they found the remaining passengers and after two trips to shore, all lives were saved. This act of courage is an excellent example of how training and personal determination can turn a potentially fatal situation into a successful rescue. We are proud to honor Luke and Tony with the 2005 Award for Valor.

# **General Discussion**

## **KANSAS DEPARTMENT OF WILDLIFE & PARKS**

### **KANSAS OUTDOOR AUTOMATED LICENSE SYSTEM (KOALS)**

Our license automation project awarded to Central Bank of Jefferson City, MO and Automated License System (ALS) of Nashville, TN is still on schedule.

Our timeline for the new system is as follows:

- 08/04 to 04/05 Design of system
- 04/05 to 05/05 System integration testing
- 06/05 to 07/05 Pilot program and vendor equipment roll out
- 08/05 Full implementation

Central Bank and its subsidiary Automated License Systems (ALS) operate similar automated systems in nine other states including Missouri and Colorado. They will provide a complete turnkey product with training, support, and set-up.

Various equipment options will be available at the vendor level, ranging from a full set of Point-of-Sale (POS) equipment furnished by the department to a simple Internet software connection that can be used by small vendors who choose to supply their own Internet connection, PC and printer. The POS equipment has a small footprint with “store and forward” capabilities. The new system will be financially secure with an Automated Clearing House (ACH) sweep of the vendors account on a weekly basis for collection on dollars owed to the department.

## **State Comprehensive Wildlife Plan Update**

At the last two meetings, the Commission was updated on the Department's progress on the Comprehensive Wildlife Conservation Plan (CWCP) development, designed to meet the federal requirements for participation in the State Wildlife Grant Program. Kansas was recently allotted about \$900,000 for the current federal fiscal year. Since the last report to the Commission, Fisheries and Wildlife Division staff have provided input, and the Summit of Experts, which allowed input from individuals from the scientific community, interested organizations and the general public, was held. The consultant is currently in the process of writing the first draft of the plan. Planning is on track to have a final product by July 1, 2005.

At the last commission meeting, Ken and I gave background on the CWCP - is a requirement for participation in SWG program. We currently have over \$300,000 in active SWG grants, and are looking at another allotment of over \$900,000, and all are contingent upon completing this plan by October 2005.

Aug-04	contract awarded to DSG
Sep-04	species list compiled(draft) with inhouse expertise
Oct-04	Secretary's letter, announcing plan and invitation to participate distributed in-house
Oct-04	List of Contacts for interested government agencies, orgs and individuals completed
Oct-04	Secretary's letter, a week later, distributed out of house to contacts list
Oct-04	List of experts completed
Oct-04	Public announcement of start of CWCP process, through Commission meeting
Oct-04	Presentation at Commission meeting
Nov-04	SGCN determination made, with expert assistance for mammals, herps, fish and mussels
Nov-04	Web page posted, with background information, and solicitation for participation
Nov-04	Gave presentation, and invitation to participate to Kansas Nongame Advisory committee
Dec-04	Priority rankings assigned
Dec-04	Web page updated w Species list, KDWP Wildlife Diversity Plan & All-bird workshop results
Dec-04	Summit Conference (meeting of experts and interested parties to confirm lists and update conservation actions, partners and monitoring options) planned and booked
Dec-04	Habitat list defined
Dec-04	questionnaire formulated and sent to experts
Dec-04	FW Division meeting participation finalized for in-house input
Jan-05	Six responses received from experts
Jan-05	preliminary notification of Summit meeting sent to experts and contact list
Jan-05	news release for CWCP update at January Commission meeting
Jan-05	Presentation of update at Commission meeting
Dec,Jan-05	Presentations and extended invitations to participate have been made to several organizations, including Kansas Ornithological Society, Kansas Herpetological Society and Central Plains Society of Mammalogists.
February 2, 2005	Workshop with FW division at Salina - to take advantage of in-house expertise. DSG accompanied Ken and me to the Fish and Wildlife Division meeting, and conducted facilitated sessions with staff to review, affirm and update work that had been done on the Wildlife Diversity Plan and the All-bird workshop so that it can be incorporated into the CWCP.
Month of february	Questionnaires were sent out to experts in January, to gather information concerning confirmation of species of greatest concern, species habitat needs, and habitat condition. That information was compiled, and developed into a workbook for the CWCP Summit Workshop
2/22-23/2005	Summit Workshop in Manhattan Invited 130 organizations and interested parties - government agencies (e.g. COE, USFWS, USFS, BOR, State agencies), private (e.g. Audubon, KACEE, Kansas Farm Bureau, Kansas Wildlife Federation, ) 60 experts (KU, KSU, FHSU, ESU, Baker U, Benedictine, KBS, KNWAC, Friends U, Tabor, SW College and others) Had 70 participants - a good cross section for species and for Conservation Regions Two-day workshop where experts and interested parties from across the state came together to give their input into our plan. We had breakout sessions by species groups (birds, mammals, herps, invertebrates, fish) on the first day. We got information about species abundance, population trends and habitat use. We then moved into conservation regions (short grass prairie, mixed grass prairie and tall grass prairie), and identified issues and strategies for the most important habitat types.

UPCOMING  
4/1/05

First cut to be reviewed by Ken and Laurie



4/21/05  
5/20/05

Second cut, for in-house review  
First draft for public review - will be posted on the internet.  
Everyone who attended the Summit will be notified, and comments solicited  
Comment period will last until June 15, 2005

**KAR 115-25-1. Game Birds; open seasons, bag limits, and possession limits.**

**Proposed Changes to Upland Game Bird Regulations**

Currently the regulations for quail, pheasant, and prairie chicken are all contained in one regulation. However, the harvest management strategies are different for each species. Therefore it is recommended that each of these species be separated into their own regulatory category to facilitate the setting of seasons and other harvest management strategies. Regulations for each species will focus on the opportunities that the individual species provides, while addressing the particular needs of that species.

This proposal will define regulation KAR 115-25-1 for prairie chickens, KAR 115-25-1a for quail, and KAR 115-25-1b for pheasant.

As an additional part of this proposal, it is recommended that changes be made to the current structure of the prairie chicken season. The structure and bag limits of the pheasant, quail, and youth upland bird seasons will remain the same.

This proposal also includes changing the age of the supervising adult during youth seasons from 21 to 18 to make it consistent with other youth seasons.

## **KAR 115-25-1. Game Birds; open seasons, bag limits, and possession limits. Proposed Changes to Prairie Chicken Hunting Season Structure**

In 1995, the Kansas Wildlife and Parks Commission altered the structure of the prairie chicken season in the region of the state where lesser prairie chickens occur. These changes included a later starting date (December 1 - January 31) and a reduction in the daily bag limit to one in the Southwest Unit. Although the hunter harvest of about 860 birds a year at that time was insignificant and not a factor in lesser prairie chicken declines, this action was taken in response to: 1) a petition to have lesser prairie chickens listed as threatened under the Endangered Species Act (The subsequent finding by The U.S. Fish and Wildlife Service indicated the petition was “warranted, but precluded” by higher priority species.); 2) lesser prairie chicken populations were unusually low at that time; and 3) concern existed that the early opening day (first Saturday in November) of the lesser prairie chicken season created the possibility of localized overharvest.

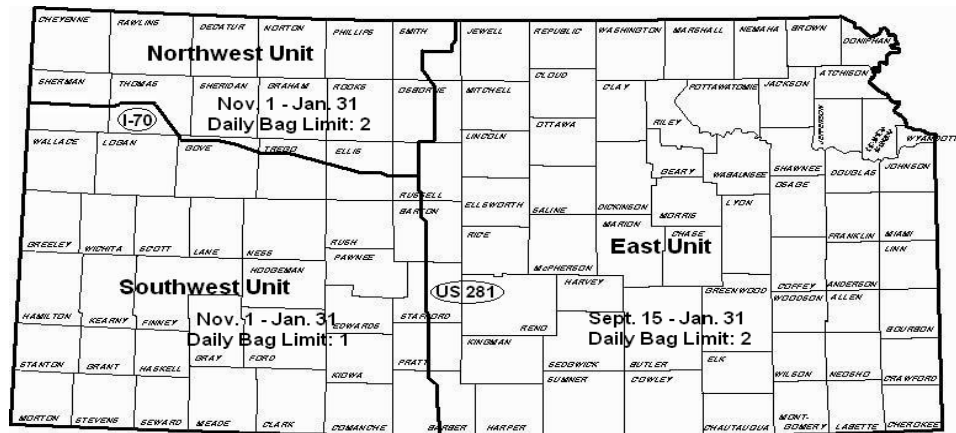
Kansas lesser prairie chicken populations have subsequently recovered from the mid-1990s low and have expanded their range in west-central Kansas in response to added habitat provided by Conservation Reserve Program (CRP) grasslands. Significant numbers of lesser prairie chickens have been located north of the Arkansas River by Kansas Department of Wildlife and Parks staff since 1999. These birds are utilizing areas where CRP grasslands are found in close proximity to native rangelands in the Pawnee, Walnut, and Smoky Hill watersheds, almost as far north as Interstate Highway 70. Using lesser prairie chicken habitat data and lek counts, the spring 2003 lesser prairie chicken population was estimated at between 13,000 and 21,000 birds. Recent research has documented heavy use and the high value of CRP grasslands to lesser prairie chickens in west-central Kansas. All the lesser prairie chickens in the Smokey Hill watershed and some of those in the Walnut watershed are located north of K-96 where the current hunting season opens the first Saturday in November and the daily bag limit is two.

Kansas greater prairie chicken population indices have been essentially stable in the Flint Hills and north central Kansas over the past decade. Due to substantial habitat changes, greater prairie chicken numbers have declined in areas east of the Flint Hills. This species has increased in northwest and west-central Kansas over the same period.

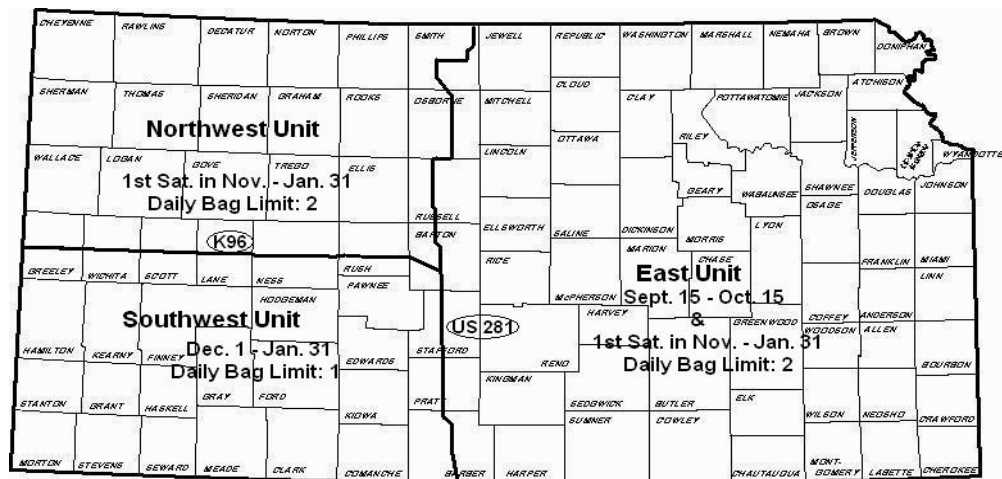
As a result of changes in prairie chicken populations and distribution, the following modifications in prairie chicken hunting units are proposed: **Southwest Unit** - That area bounded by the Colorado border on the west, the Oklahoma border on the south, U.S. Highway 281 on the east, and Interstate Highway 70 on the north. This change would remove that area between K-96 and I-70 from the Northwest Unit and place it in the Southwest Unit. It would place the entire Kansas lesser prairie chicken population under the same structure in the Southwest Unit. **Northwest Unit** - That area bounded by the Colorado border on the west, Interstate Highway 70 on the south, U.S. Highway 281 on the east, and the Nebraska border on the north. The area between K-96 and I-70 would be transferred to the Southwest Unit, as noted above. **East Unit** - That area bounded by U.S. Highway 281 on the west, the Oklahoma border on the south, the Missouri border on the east, and the Nebraska border on the north. This unit is unchanged.

The proposed season dates and bag limits are: **Southwest Unit** - November 1 - January 31, with a daily bag limit of 1, possession limit of 4. This proposed change would move the opening date to November 1, creating a continuous season of 92 days as compared to the current December 1

opening with a 62-day season. Bag and possession limits would remain the same as the current structure. In that the area between K-96 and I-70, which would become part of the Southwestern Unit, daily bag limit would be reduced from the current 2 to the proposed 1, and the season opener would change from the first Saturday in November to November 1. These changes would primarily involve lesser prairie chickens, but greater are present north of K-96. **Northwest Unit** -- November 1 - January 31, with a daily bag limit of 2, possession limit of 8. The only change in this unit would be for the season opening to begin November 1 instead of the first Saturday in November under the current structure, except in the area between K-96 and I-70, as noted under the Southwestern Unit. This would create a 92-day season, compared to the current season that varies from 86 to 92 days. Only greater prairie chickens are found in this unit. **East Unit** -- September 15 - January 31, with a daily bag limit of 2, possession limit of 8. The 16- to 22-day gap between the current special early season (Sept. 15–Oct. 15) and the current regular season (second Saturday in November – January 31) would be opened to hunting. This would create a continuous open season of 138 days on greater prairie chickens in the East Unit, compared to the current split seasons that vary between 116 and 122 days.



**Current Prairie Chicken Hunting Units & Season Structure**



**Proposed Prairie Chicken Hunting Units & Season Structure**

**115-25-1. Prairie chicken; open seasons, bag limits, and possession limits.** (a) East unit. The open season for the taking of prairie chicken shall be September 15 through January 31 of the following year, in that part of Kansas east of federal highway US-281 and bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south.

(b) Southwest unit. The open season for the taking of prairie chicken shall be November 1 through January 31 of the following year, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70.

(c) Northwest unit. The open season for the taking of prairie chicken shall be November 1 through January 31 of the following year, in that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with the Colorado-Kansas state line, and then south along the Colorado-Kansas state line to its junction with interstate highway I-70.

(d) The daily bag limit shall be two prairie chickens, except in that part of Kansas described above in paragraph (b) the daily bag limit shall be one prairie chicken.

(e) The possession limit shall be eight prairie chickens, except in that part of Kansas described in paragraph (b) the possession limit shall be four prairie chickens.

(f) This regulation shall be effective on and after August 1, 2005. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002.)

**115-25-1a. Quail; open seasons, bag limits, and possession limits.** (a) Open seasons.

(1) The open season for the taking of quail shall be the third Saturday in November through January 31 of the following year, in that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-281 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-156, then west on state highway K-156 to its junction with state highway K-23, then south on state highway K-23 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-281.

(2) In that part of Kansas not included in the description in paragraph (b)(1)(A), the open season for the taking of quail shall be the second Saturday in November through January 31 of the following year.

(b) Youth season.

(1) The youth season for the taking of quail shall be the first Saturday of November through the first Sunday of November. The entire state shall be open for the taking of quail during the youth season.

(2) Only persons 16 years of age or younger, accompanied by an adult 18 years of age or older, may hunt during the youth season for the taking of quail.

(c) Bag limits.

(1) The daily bag limit during the open seasons for the taking of quail shall be eight quail.

(2) The daily bag limit during the youth season for the taking of quail shall be four quail.

(d) Possession limits.

(1) The possession limit during the open seasons for the taking of quail shall be 32 quail.

(2) The possession limit during the youth season for the taking of quail shall be eight quail.

(e) This regulation shall be effective on and after August 1, 2005. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002.)

**115-25-1b. Pheasant; open seasons, bag limits, and possession limits.** (a) The open season for the taking of cock pheasants shall be the second Saturday in November through January 31 of the following year.

(b) The youth season for the taking of cock pheasants shall be the first Saturday of November through the first Sunday of November. Only persons 16 years of age or younger, accompanied by an adult 18 years of age or older, may hunt during the youth season for the taking of cock pheasants.

(c) Bag limits.

(1) The daily bag limit during the open season for the taking of cock pheasants shall be four cock pheasants.

(2) The daily bag limit during the youth season for the taking of cock pheasants shall be two cock pheasants.

(d) Possession limits.

(1) The possession limit during the open season for the taking of cock pheasants shall be 16 cock pheasants.

(2) The possession limit during the youth season for the taking of cock pheasants shall be four cock pheasants.

(e) The entire state shall be open for the taking of cock pheasants.

(f) This regulation shall be effective on and after August 1, 2005. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1002.)



# **RECOMMENDATIONS FOR 2005 "EARLY" MIGRATORY BIRD SEASONS**

## **INTRODUCTION AND BACKGROUND**

The U.S. Fish and Wildlife Service annually develops frameworks for migratory bird hunting seasons. These frameworks establish the most liberal seasons that will be allowed on a particular species or group of species. States may adopt more restrictive regulations than those allowed in the frameworks, but they may not adopt seasons more liberal than stated in the frameworks. At this time, we expect the proposed early season frameworks to be published by mid-July.

The following season dates are recommended for approval by the Commission, with authorization for the Secretary to make any adjustments required as a result of unforeseen framework changes.

## **EXPECTED FRAMEWORKS AND RECOMMENDATIONS**

### **DOVE:**

**Dove regulations are now set by KAR 115 – 25 – 19, rather than annual Commission approval.**

### **RAIL (Sora and Virginia):**

**Framework** - Hunting season not exceeding 70 days between September 1, 2005 and January 20, 2006. Daily bag of 25 and possession limit of 25, singly or in aggregate, of sora and Virginia rail.

**Recommendation** - Season running September 1 through November 9, 2005 with a bag and possession limit of 25 and 25, respectively. There is no open season on king rail, common moorhen, and purple gallinule.

### **SNIPE:**

**Framework** - Hunting season not exceeding 107 days between September 1, 2005 and February 28, 2006. Season may be split once. Daily bag and possession limit not to exceed 8 and 16, respectively.

**Recommendation** - Season running September 1 through December 16, 2005 with bag and possession limit of 8 and 16, respectively.

## **WOODCOCK:**

**Framework** - Season not exceeding 45 days between September 21, 2005 and January 31, 2006. Season may be split. Daily bag and possession limit of 3 and 6, respectively.

**Recommendation** - Season running October 15 through November 28, 2005 with a bag and possession limit of 3 and 6, respectively.

## **TEAL SEASON:**

**Framework** - Hunting season between September 1 and September 30, 2005, not exceeding: 1) 16 days if the blue-winged teal breeding population is above 4.7 million, or 2) 9 days if the breeding population is between 3.3 - 4.6 million, with a daily bag and possession limit of 4 and 8 teal, respectively. Last year's (2004) blue-winged teal breeding population was 4.1 million. The 2005 blue-winged teal breeding population total will not be known until June.

It is possible that only 8 days will be available for the September Teal Season in the High Plains. This potential restriction on the High Plains Teal Season is due to the 107-day annual limit (by treaty) on hunting of any one species. A regular High Plains duck season of 97 days allowed under the regular season liberal package, plus 2 days of youth hunting leaves only 8 days to reach the 107 day total.

### **Recommendation:**

**High Plain Zone** - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

**A 9-day season running September 17 through September 25, 2005,**

**or, a 16-day season running September 10 through September 25, 2005,**

**or, an 8-day season running September 17 through September 24, 2005**

**Low Plains Zones** - A bag and possession limit of 4 and 8, respectively, with the following season date possibilities:

**A 9-day season running September 17 through September 25, 2005,**

**or, a 16-day season running September 10 through September 25, 2005.**

## **SEPTEMBER CANADA GOOSE SEASON:**

**Background** - Kansas is allowed a maximum of 15 days of Canada goose hunting during the first 15 days of September to assist with the control of nuisance Canada geese. The bag limit may not exceed 5 Canada geese, and there is no possession limit.

KDWP staff expects regular dark goose season frameworks will allow a 95-day season on Canada geese. These 95 days, plus the two-day youth hunt, utilizes 97 of the possible 107 days of Canada goose hunting allowed by treaty, leaving 10 days available for the September season.

**Recommendation** - **Adopt a 10-day Canada goose season, running September 3 through September 12, 2005, around the cities of Wichita, Topeka, Lawrence and Kansas City (see attached maps), with a bag and possession of 3 and 6 respectively.**

**Discussion** - Canada goose numbers in the cities of Wichita, Topeka, Lawrence and Kansas City have exceeded desired levels during much of the year. Resident Canada geese nesting near these cities are also contributing to the problem during the fall and winter period. Providing for additional harvest near these cities during the month of September, as allowed by the U.S. Fish and Wildlife Service, may assist with efforts to limit problem concentrations. The areas proposed for the September Canada goose hunt include areas of the state surrounding the cities involved, and to the greatest extent possible, are bounded by prominent highways for ease of description.

The recommended bag and possession limits are consistent with those established for the regular dark goose season to simplify regulations and reduce confusion.

**September Hunt Area Boundaries** - That part of Kansas bounded by a line from the Kansas-Missouri state line west on K-68 to its junction with K-33, then north on K-33 to its junction with US-56, then west on US-56 to its junction with K-31, then west-northwest on K-31 to its junction with K-99, then north on K-99 to its junction with US-24, then east on US-24 its junction with K-63, then north on K-63 to its junction with K-16, then east on K-16 to its junction with K-116, then east on K-116 to its junction with US-59, then northeast on US-59 to its junction with the Kansas-Missouri line, then south on the Kansas-Missouri line to its junction with K-68.

That part of Kansas bounded by a line from I-135 west on US 50 to its junction with Burmac Road, then south on Burmac Road to its junction with 279 Street West (Sedgwick/Harvey County line), then south on 279 Street West to its junction with K-96, then east on K-96 to its junction with K-296, then south on K-296 to its junction with 247 Street West, then south on 247 Street West to its junction with US-54, then west on US-54 to its junction with 263 Street West, then south on 263 Street West to its junction with K-49, then south on K-49 to its junction with 90 Avenue North, then east on 90 Avenue North to its junction with

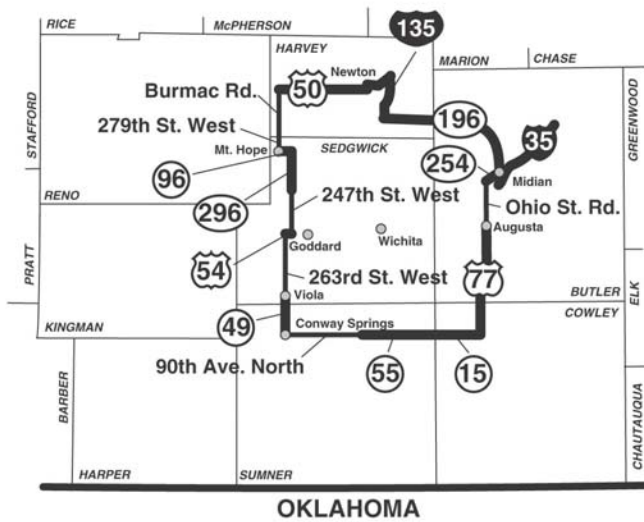
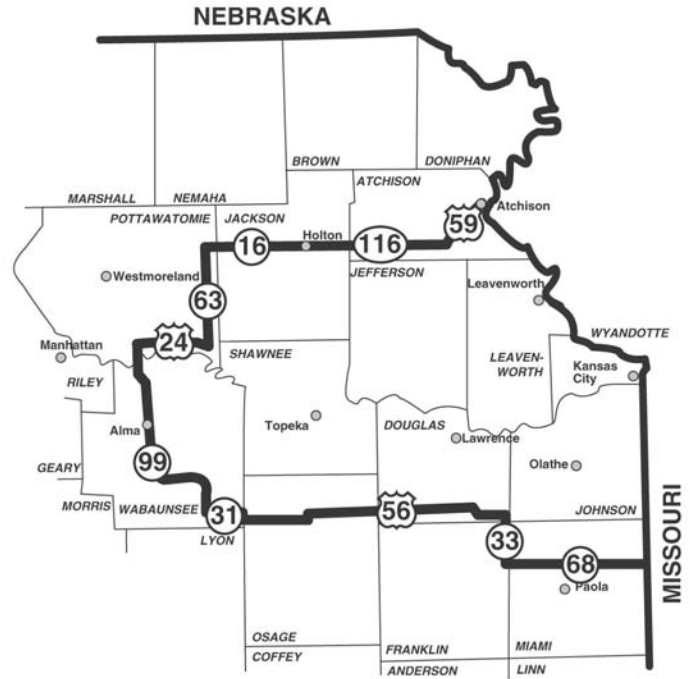
KS-55, then east on KS-55 to its junction with KS-15, then east on KS-15 to its junction with US-77, then north on US-77 to its junction with Ohio Street, then north on Ohio to its junction with KS-254, then east on KS-254 to its junction with KS-196, then northwest on KS-196 to its junction with I-135, then north on I-135 to its junction with US-50.

#### **SHOOTING HOURS FOR ALL EARLY SEASONS:**

**Framework**-Shooting hours frameworks are expected to be ½ hour before sunrise to sunset for all seasons.

**Recommendation**-Adopt maximum shooting hours allowed in the frameworks, probably ½ hour before sunrise to sunset.

# September Canada Goose Units



**KAR 115-25-19. Dove, management, hunting season,  
shooting hours, and bag and possession limits**

No changes in this regulation are proposed at this time.

# **Workshop Session**

## **K.A.R. 115-5-4. Nonresident bobcat hunting permit; tagging, disposal, legal equipment, shooting hours, and general provisions.**

### **Background:**

This item concerns the creation of a new furharvesting regulation which will regulate the hunting of bobcats during the established season by nonresident hunters holding a limited bobcat hunting permit. This action is in response to a recommendation made by the 2004 Revenue Task Force, which identified this type of permit as a potential revenue source that would provide additional hunting opportunity.

### **Discussion:**

The proposed regulation would create a nonresident bobcat hunting permit. The permit would allow the harvest of one bobcat per permit by hunting methods, which generally include firearms and archery equipment, calls, lures, baits and decoys. The use of trapping equipment or dogs would not be allowed under this permit. The season for the taking of bobcat would be the same as the regular furharvesting season, starting at noon on first Wednesday after the second Saturday of November and ending at the close of legal hours on February 15. The legal hours for taking bobcat under this permit will be from one-half hour before sunrise to one-half hour after sunset. The cost of the permit will be \$100 plus appropriate issuance and service charges. There is no limit to the number of permits that may be purchased by an individual.

Any bobcat harvested under this permit would be required to be tagged with a carcass coupon prior to leaving the site of kill. The carcass tag would remain attached to the bobcat carcass or pelt until such time as it is presented to the Department for tagging with a CITES export tag. The bobcat must be tagged by the Department within seven days of harvest, as required by the existing furharvesting regulations. Any bobcat carcass or pelt could be given to another person by a written notice of donation. However, a raw pelt could only be sold in the State of Kansas to a licensed furdealer.



## **K.A.R. 115-11-1. Controlled shooting areas; license application, issuance priority, and reporting.**

### **Background:**

This item recommends the revision of the reporting requirements for Controlled Shooting Areas. The current regulation requires the recording of daily bird releases by CSA operators. It is recommended that this provision be changed to allow the reporting of bird releases over a less specific timeframe.

### **Discussion:**

The regulation concerning Controlled Shooting Areas requires operators to release a number of birds that is equal to or exceeding the total number of birds harvested during the operations' season. The current regulation prescribing the reporting requirements mandates that bird releases must be recorded on a daily basis. If enacted, the proposed change would allow the release report to cover a longer period of time.

CSA operators expressed concerns that the current requirement is excessive and burdensome to their overall operation. By allowing reporting over a longer time period, the objective of the regulatory requirement could be met and simplify the reporting process.

## **KAR 115-9-9, Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements.**

### **Background**

The regulation contains the following items:

- ◆ Requirements and procedures to purchase and use electronic licenses and permits.
- ◆ Procedure to validate electronic stamps
- ◆ Procedure to replace lost or destroyed electronic licenses and permits
- ◆ Procedure to purchase electronic permits which now require an application.
- ◆ Procedure for using carcass tags from electronic permits
- ◆ Procedure for using electronic temporary annual park permit

### **Discussion**

Selling and using electronic licenses and permits will require some changes to procedures previously used with paper permits and license books.

Subsection (a) requires the customer to verify the information printed on the license or permit is correct. Having the customer check and verify their information will double check information entered by the vendor agents. After checking that all information is correct the customer will sign and attest that all information is true and correct.

Subsection (b) requires the customer purchasing a license or permit through a telephone vendor to carry the confirmation number issued by the telephone vendor. The confirmation number can be verified by any law enforcement officer through a toll-free number to the Kansas Outdoor Automated License System (KOALS) help desk. Using the confirmation number, the KOALS help desk can supply the customer name, date of purchase, privileges purchased and any other information contained in the automated database.

Subsection (c) allows a stamp to be validated by signing the issue showing the stamp purchase. The electronic license system will show stamp purchases as a line item on the issue with other privileges purchased. There will not be a separate issue printed for a stamp purchase unless the stamp is the only purchase.

Subsection (d) allows lost or destroyed electronic issues that can be purchased from an electronic or telephone license vendor to be replaced at any electronic or telephone license vendor. Any electronic or telephone license vendor will be able to enter the customer's identification number and verify what privileges that customer has purchased. An Internet customer may enter their customer number on the Internet sales page and select the purchase of a replacement for lost or destroyed issues. KAR 115-9-2 requires the customer to attest to the destruction or loss of the

current issue by signature. This section will specify that the attesting is done on the replacement issue, eliminating the need for an additional application for a lost or destroyed license.

Subsection (e) allows customers to purchase licenses and permits that formerly required a paper application from an electronic or telephone license vendor or over the Internet and eliminates the need for an additional application form. This section also provides for the signature on the electronic issue to satisfy any requirements for a signature on an application form.

Subsection (f) allows carcass tags purchased from an electronic vendor to be detached from the permit and remain valid. This will be necessary as all issues purchased from an electronic license vendor will be printed sequentially. Requiring the carcass tags to remain attached to the permit would mean that a hunter must take the game in the order that the carcass tags were printed. To allow enforcement of the single use of a carcass tag, a provision has been added that will invalidate any carcass tag signed before harvesting an animal for which the carcass tag was issued and invalidate either the permit or game tag the carcass tag was issued with.

Subsection (g) requires that a temporary annual park permit be visibly displayed as is required for an annual park permit. This section requires that a temporary annual park permit be exchanged for an annual park permit at a park license vendor or department office. This is necessary as the printing technology used at home printers for Internet sales and electronic license vendors other than department offices and park license vendors does not provide UV resistance. The temporary annual park permits will fade when exposed to sunlight.

## **Proposal to add New Zealand mudsnail *Potamopyrgus antipodarum* to prohibited species list (KAR 115-18-10)**

Current regulations restrict the importation, possession, or release of several animal species that could be detrimental to Kansas ecosystems. The New Zealand mudsnail *Potamopyrgus antipodarum*, an invasive species that has the potential to significantly alter the aquatic ecosystem in Kansas, is not currently on the prohibited species list in KAR 115-18-10. The department currently lacks the authority to restrict the importation, possession or release of New Zealand mudsnail. The Department is proposing to add this snail to the restricted species list in KAR 115-18-10 to enhance regulatory authority for controlling its spread into and within the State.

### Justification:

Native to New Zealand, this species was discovered in North America in 1987 and has rapidly spread throughout the western United States. It is a parthenogenesis livebearer with a high reproductive potential. Mature New Zealand mudsnails average 5mm in length and juveniles are much smaller making them difficult to notice on gear. Mudsnail populations can often reach densities greater than 100,000 per square meter in suitable habitat. Densities of 750,000 per square meter within rivers in Yellowstone National Park have been reported. Much concern about the potential impacts that the New Zealand mudsnail may have on native species, fisheries, and aquatic ecosystems in the western United States has been generated by the rapid spread of this species. These snails degrade habitat with their high reproductive capacity and the subsequent impacts on invertebrate food sources. Reductions in insect species diversity or abundance could diminish the availability of this critical food resource to fish and disrupt these dynamic aquatic ecosystems. New Zealand mudsnails are a poor substitute for the traditional food base, yielding as little as 2 percent of their nutritional value when eaten by fish. Fish are known to consume mudsnails and the snails are known to survive passage through the digestive tract. Thus, the spread of the mudsnail may be assisted by stocking fish from a facility known to be infested with the snail. Unintentional transport by people is probably the primary vector for the spread of New Zealand mudsnails.

## **KAR 115-25-9 Deer; open season, bag limit, and permits.**

### **Background**

The regulation contains the following items:

- ▶ Dates of archery, firearms, and muzzleloader deer seasons.
- ▶ Provisions when seasons may occur on military subunits within management units.
- ▶ Dates for urban firearm deer seasons and extended archery seasons.
- ▶ Dates of deer seasons for designated persons.
- ▶ Dates and units when extended firearms seasons are authorized and the type of permits and changes in the species and antler categories of those permits.
- ▶ Permit application dates and procedures.
- ▶ Reclassification of permits issued as leftover permits.
- ▶ Limitations in obtaining multiple permits.
- ▶ Check station requirements.

### **Discussion**

Annual adjustments will be made in the season and application dates. Population indices will be examined and public input will be considered in the development of a list of units where extended firearms seasons and antlerless white-tailed deer game tags will be authorized. The number of game tags that may be used in each unit will also be considered after additional data becomes available.

Fort Riley has requested a change in the archery deer season. Currently the archery season is closed during the firearms season, however, the firearms deer season on military installations are not the same as elsewhere in the state. Some archery hunters have requested to hunt with archery equipment and their archery permit during the regular firearm season.

The extended season for antlerless white-tailed deer has ranged in extent from 2 days to 14 days. Last year the extended season was only two days in length and legislators requested an additional seven days for the extended season in the northern portion DMU 7 & 8. To allow a full weekend of hunting after December 31, 2005 would require a delay until January 7<sup>th</sup> and 8<sup>th</sup>, 2006. By increasing the length of the extended season to eight days we could eliminated the special extended season.

Input from department personnel indicates that consideration should be made to restrict game tags availability to people who possess a deer permit.

### **Recommendation**

Season dates for the 2005-06 deer hunting are recommended as follows:

Early Muzzleloader	September 10, 2005 – September 23, 2005
Youth and Disability	September 24, 2005 – September 25, 2005
Archery	October 1, 2005 – December 31, 2005
Early Firearms (DMU 19)	October 15, 2005 – October 23, 2005
Regular Firearms	November 30, 2005 – December 11, 2005
Extended WAO	January 1, 2006 – January 8, 2006
Extended Archery (DMU 19)	January 9, 2006 – January 31, 2006

The recommendation for the deadline for applications is:

Nonresident	May 31, 2005
Resident Drawing	July 15, 2005
Unlimited Availability	January 7, 2006

Section (a)(1)(B) will be changed from statewide to two archery unit(s) designated by the hunter plus DMU 19.

Extended firearm seasons for antlerless-only white-tailed deer during 2004-05 included:

- 1) A 2-day season in DMU's 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19
- 2) A 9-day season in northern DMU's 7 & 8, and
- 3) A 29-day season in central DMU 12.

A review of deer population indices has revealed that extended firearms seasons in January for antlerless-only white-tailed deer do not need to be restricted to fewer units and that consolidation of the three seasons could be made into one season. It is the staff recommendation that any unfilled firearm, muzzleloader, or archery permit or antlerless-only white-tailed deer game tag valid in units 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, or 19, shall be valid during the extended firearm season beginning January 1, 2006 and extending through January 8, 2006 in those units.

It is the staff recommendation that deer hunters should be required to have a deer permit that allows them to take an antlered deer before they may acquire an antlerless-only permit or a deer game tag. However, the recommendation for the number of deer game tags that may be used by a hunter remains the same as last year. A deer hunter with an antlered deer permit may obtain no more than four deer game tags. No deer game tag may be used in units 1, 2, 17, or 18. Only one deer game tag shall be valid within the area of units 3, 4, 5, 6, 9, 10, 11, and 14. As many as four deer game tags may be used within the area of units 7, 8, 12, 13, 15, 16, & 19.

Deer check stations were used during the 2004 season to assist the Department in obtaining samples from deer in western Kansas to monitor for CWD. A modification of that program is planned for the 2005 season. The units where hunters would be required to take their deer to a deer check station has been expanded to include units 1, 2, 3, 16, 17, & 18. The check stations would be operated during the regular firearm deer seasons. Deer taken outside of these units and outside the regular firearms deer season would not need to be taken to a deer check station.

It is the staff recommendation to discontinue the practice of converting unsubscribed any-deer permits, and muzzleloader any-deer permits to leftover antlerless-only permits that are then reauthorized in a second drawing. This recommendation is being made to both simplify the permitting process and to reduce harvest pressure on female mule deer.

# **Public Hearing**



STATE OF KANSAS

ALAN B. CONROY, Director  
AlanC@kird.state.ks.us  
RANEY L. GILLILAND, Assistant Director for Research  
RaneyG@kird.state.ks.us  
J.G. SCOTT, Chief Fiscal Analyst  
JGScott@kird.state.ks.us  
MARY K. GALLIGAN, Assistant Director for  
Information Management  
MaryG@kird.state.ks.us



STAFF  
LEGISLATIVE COORDINATING COUNCIL  
INTERIM COMMITTEES  
STANDING COMMITTEES  
LEGISLATIVE INQUIRIES

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 345-N — State Capitol Building — 300 SW Tenth Avenue — Topeka, Kansas 66612-1504  
PHONE (785) 296-3181 • FAX (785) 296-3024 • TTY (785) 296-3877  
INTERNET: <http://www.kslgresearch.org/kird> E-MAIL: [kslgresearch@kird.state.ks.us](mailto:kslgresearch@kird.state.ks.us)

March 9, 2005

Mike Hayden, Secretary  
Kansas Department of Wildlife and Parks  
1020 S. Kansas Avenue, Room 200  
BUILDING MAIL

Dear Secretary Hayden:

At its meeting on January 4, 2005, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning big game and wild turkey, general provisions; big game, legal equipment and taking methods; wild turkey, legal equipment and taking methods; deer permits, descriptions and restrictions; turkey, fall season, bag limit, and permits. After discussion, the Committee had no comment.

Please make this letter a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts and reserves any expression of legislative concern to that review. To assist in that final review, please inform the Joint Committee in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Further, e-mail requests for public accommodation should be included as a part of the notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Sincerely,

  
Raney L. Gilliland  
Assistant Director for Research

RG/jl

41486-13/105(8.55A16)





STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE  
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.KSAG.ORG

January 10, 2005

Chris Tymeson  
Legal Counsel  
Kansas Department of Wildlife and Parks  
1020 S Kansas Avenue, Suite 200  
Topeka, Kansas 66612

Re: **K.A.R. 115-4-2, 115-4-4, 115-4-4a, 115-4-13 and 115-25-5**

Dear Mr. Tymeson:

Pursuant to K.S.A. 77-420(b), we have determined that the above-referenced regulations are within the statutory authority of the agency and do not present any other legal issues of concern. We have therefore approved these regulations for legality.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
PHILL KLINE

  
Camille Nohé  
Assistant Attorney General

CN:cn  
Enclosure: Original document

cc: Representative Carl Holmes, Chair, Joint Committee on Rules and Regulations  
Senator Dwayne Umbarger, Vice Chair, Joint Committee on Rules and Regulations  
Raney Gilliland, Legislative Research

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**Document No.** \_\_\_\_\_

KANSAS REGISTER  
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Notice

Desired Date of Publication - January 20, 2005

**ITEMS SUBMITTED IN DUPLICATE**

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson  
Liaison officer's typed name

\_\_\_\_\_  
Liaison officer's signature

Department Attorney  
Title

(785) 296-2281  
Phone

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This space for Register office use only

## **Wildlife and Parks Commission**

### **Notice of Hearing of Proposed Administrative Regulations**

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, March 24, 2005 at the Beloit Municipal Building, 119 Hersey, Beloit, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., March 24 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. March 25 at the location listed above.

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

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to [sheilak@wp.state.ks.us](mailto:sheilak@wp.state.ks.us) if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

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

**K.A.R. 115-4-2.** This permanent regulation sets general requirements for wild turkey and big game permits. The proposed amendments include removing wild turkey from big game language and requiring the beard of a wild turkey to remain attached in transport unless taken with an either-sex permit.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies or the public.

**K.A.R. 115-4-4.** This permanent regulation provides for legal equipment and taking methods for big game. Proposed amendments include removing provisions dealing with wild turkeys from the regulation.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-4-4a.** This new permanent regulation sets the legal equipment and taking methods for wild turkeys.

Economic Impact Summary: The proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-4-13.** This permanent regulation designates the types of deer permits available. The proposed amendments would add one class of permit, the archery white-tailed deer permit, to conform with current practices.

Economic Impact Summary: The proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-25-5.** This exempt regulation sets the fall wild turkey season, bag limits and permits available. Changes from previous seasons include lengthening the fall season by one month and having the season run concurrently with the firearms deer season.

Economic Impact Summary: The proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us), or by calling (785) 296-2281.

John R. Dykes, Chairman

**Document No.** \_\_\_\_\_

KANSAS REGISTER  
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife and Parks

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Notice

Desired Date of Publication - February 17, 2005

**ITEMS SUBMITTED IN DUPLICATE**

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson  
Liaison officer's typed name

\_\_\_\_\_  
Liaison officer's signature

Department Attorney  
Title

(785) 296-2281  
Phone

---

This space for Register office use only

## **Wildlife and Parks Commission**

### **Notice of Hearing of Proposed Administrative Regulations**

A public hearing will be conducted by the Wildlife and Parks Commission at 7:00 p.m., Thursday, March 24, 2005 at the Beloit Municipal Building, 119 Hersey, Beloit, Kansas, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks. The regulations contained in this 30-day notice are to be heard in addition to the previously published regulations contained in the 60-day notice, with the exception of K.A.R. 115-25-5 as stated below.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m., March 24 at the location listed above. The meeting will recess at 5:30 p.m. then resume at 7:00 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9:00 a.m. March 25 at the location listed above.

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

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to [sheilak@wp.state.ks.us](mailto:sheilak@wp.state.ks.us) if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

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

**K.A.R. 115-25-5.** This exempt regulation sets the fall wild turkey season, bag limits and permits available. Changes from previous version published for public comment include continuing the fall season from October 1 through January 31 but closing the season while the regular firearms deer and special firearms deer season are ongoing. The previous version of the regulation public comment is hereby rescinded.

Economic Impact Summary: The proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**K.A.R. 115-25-6.** This exempt regulation sets the spring wild turkey season, bag limits and permits available. Changes from the current regulation include the age of the supervising adult from 21 to 18 for the youth season.

Economic Impact Summary: The proposed regulation is not anticipated to have any economic impact on the department, other agencies, or the public.

**K.A.R. 115-25-7.** This exempt regulation sets the antelope season, bag limits and permits available. Changes from the previous season include a slight increase in the number of permits available.

Economic Impact Summary: The proposed regulation is not anticipated to have any economic impact on the department, other agencies, or the public.

**K.A.R. 115-25-8.** This exempt regulation sets the elk season, bag limits and permits available. Changes from the previous season include a slight increase in the number of any-elk permits available.

Economic Impact Summary: The proposed regulation is not anticipated to have any economic impact on the department, other agencies, or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us), or by calling (785) 296-2281.

John R. Dykes, Chairman





STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE  
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6286  
WWW.KSAG.ORG

February 8, 2005

Chris Tymeson, Legal Counsel  
Kansas Department of Wildlife and Parks  
1020 S Kansas Avenue, Suite 200  
Topeka, Kansas 66612

Re: **K.A.R. 115-5-4, Nonresident bobcat hunting permit; tagging, disposal, legal equipment, shooting hours, and general provisions**  
**K.A.R. 115-11-1, Controlled shooting areas; license application, issuance priority, and reporting**  
**K.A.R. 115-18-10, Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions**  
**K.A.R. 115-25-5, Turkey; fall season, bag limit, and permits**  
**K.A.R. 115-25-6, Turkey; spring season, bag limit, permits, and game tags**  
**K.A.R. 115-25-7, Antelope; open season, bag limit, and permits**  
**K.A.R. 115-25-8, Elk; open season, bag limit and permits**

Dear Mr. Tymeson:

We have reviewed the above-referenced regulations for legality pursuant K.S.A. 77-420 and find no legal issues of concern. We have therefore approved these regulations.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
PHILL KLINE

  
Camille Nohe  
Assistant Attorney General

CN:cn  
Enclosure: Original document

cc: Rep. Senator Carl Holmes, Chair, Joint Committee on Rules and Regulations  
Sen. Dennis Wilson, Vice Chair, Joint Committee on Rules and Regulations  
Raney Gilliland, Legislative Research



**115-4-2. Big game and wild turkey; general provisions.** (a) Possession.

(1) Each permittee shall sign, record the county, the date, and the time of kill, and attach the carcass tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for a wild turkey or ~~any other~~ big game animal taken with an “either sex” permit, the beard of the wild turkey or the head of the big game animal shall accompany remain naturally attached to the carcass while in transit from the site of the kill to the permittee’s residence or to a place of processing or preservation, unless the carcass has been tagged with a department check station tag. The carcass tag shall remain attached to the carcass until the animal is processed for consumption. The permittee shall retain the carcass tag until the animal is consumed, given to another, or otherwise disposed of.

(2) Any legally acquired big game or wild turkey meat may be given to and possessed by another, if a dated written notice that includes the donor’s printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(3) Any person may possess a salvaged big game or wild turkey carcass if a department salvage tag issued to the person obtaining the carcass is affixed to the carcass. The salvage tag shall be retained as provided in paragraph (a)(1). Big game or wild turkey meat may be donated as specified in paragraph (a)(2) using the salvage tag number. Each salvage tag report prepared by the department agent issuing the tag shall be signed by the individual receiving the salvaged big game or wild turkey carcass. Each salvage tag shall include the following information:

- (A) The name and address of the person to whom the tag is issued;
- (B) the salvage tag number;
- (C) the species and sex of each animal for which the tag is issued;

(D) the location and the date, time, and cause of death of each animal; and

(E) the date of issuance and the signature of the department agent issuing the salvage tag.

(b) Big game and wild turkey permits and game tags.

(1) A permit or game tag purchased during the open season shall not be valid until the next calendar day.

(2) Big game and wild turkey permits and game tags shall not be transferred to another person, unless otherwise authorized by law or regulation.

(3) Removal of the carcass tag from the permit or game tag shall invalidate the permit or game tag for hunting, unless otherwise authorized by law or regulation.

(4) In addition to other penalties prescribed by law, each big game and wild turkey permit or game tag shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) Through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits or game tags authorized by regulations for that big game species or wild turkey.

(c) Subject to the hunting license requirements of K.S.A. 32-919, and amendments thereto, and license requirements of regulations adopted thereunder, and to the provisions of paragraphs (c)(1), (c)(2), and (c)(3), any individual may assist any holder of a big game or wild turkey permit or game tag during the permittee's big game or wild turkey hunting activity. This assistance may include herding or driving.

(1) An individual assisting the holder of a big game or wild turkey permit or game tag shall not perform the actual shooting of big game or wild turkey for the permittee, unless

authorized by ~~K.S.A.~~ K.A.R. 115-18-15. However, a permittee who is, because of disability, unable to pursue a wounded big game animal or wild turkey may designate any individual to assist in pursuing and dispatching a big game animal or wild turkey wounded by the disabled permittee.

(2) The designated individual shall carry the disabled permittee's big game or wild turkey permit or game tag and shall attach the carcass tag to the carcass immediately after the kill and before leaving the site of the kill.

(3) The designated individual shall use only the type of equipment authorized for use by the disabled permittee. (Authorized by K.S.A. 32-807, ~~and~~ K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5, and L. 2004, Ch. 99, Sec. 12; implementing K.S.A. 32-807, K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5, L. 2004, Ch. 99, Sec. 12, K.S.A. 2003 Supp. 32-1001, K.S.A. 32-1002, and K.S.A. 32-1004, as amended by L. 2004, Ch. 99, Sec. 9; effective June 1, 2001; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-4-2.** Big game and wild turkey; general provisions.

**DESCRIPTION:** The proposed changes would address general tagging and permit requirements for hunting big game species and wild turkeys, as a result of legislation passed in the 2004 session separating wild turkeys from big game.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed regulation is not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**ALTERNATIVES CONSIDERED:** None.

**115-4-4. Big game; legal equipment and taking methods.** (a) Hunting equipment for the taking of big game during a big game archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic or chemical device attached to the bow or arrow, with the exception of lighted pin, dot, or holographic sights.

(E) Each arrow used for hunting shall be equipped with a nonbarbed broadhead point with all-metal cutting edges.

(F) Each arrow used for hunting shall be at least 20 inches in length.

(G) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(H) Range-finding devices may be used or attached to the bow if the system does not project visible light toward the target.

(I) No bow with less than 50 pounds of draw weight shall be used to archery hunt for elk.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of big game during a big game firearm season shall consist of the following:

(1) Firearms season equipment authorized for all big game species:

(A) Archery equipment as authorized in subsection (a);

(B) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(C) range-finding devices, if the system does not project visible light toward the target.

(2) Firearms season equipment authorized for deer and antelope:

(A) Centerfire rifles that are not fully automatic and that fire a bullet larger than .23 inches in diameter, while using only soft point, hollow point, or other expanding bullets;

(B) muzzleloading rifles and muskets that can be loaded only through the front of the firing chamber with separate components and that fire a bullet of .39 inches in diameter or larger;

(C) centerfire handguns that are not fully automatic, fire a bullet larger than .23 inches in diameter, and use a cartridge case that is 1.280 inches or more in length, while using only soft point, hollow point, or other expanding bullets;

(D) single barrel muzzleloading pistols .45 caliber or larger that have a barrel length of 10 inches or greater and can be loaded only through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols; and

(E) shotguns using only slugs of 20 gauge or larger.

(3) Firearms season equipment authorized for elk:

(A) Centerfire rifles as authorized in paragraph (b)(2)(A), but only if firing a bullet larger than .25 inches in diameter and using a cartridge greater than 2.5 inches in length; and

(B) muzzleloading rifles and muskets as authorized in paragraph (b)(2)(B), but only if firing a bullet of .49 inches in diameter or larger.

~~(4) Firearms season equipment authorized for turkey: shotguns and muzzleloading shotguns not less than 20 gauge and using only size two shot through size nine shot.~~

(c) Hunting equipment for the taking of big game during a big game muzzleloader-only firearm season shall consist of the following:

(1) Muzzleloader-only season equipment authorized for deer and antelope:

(A) Muzzleloading rifles and muskets as authorized in paragraph (b)(2)(B), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light; and

(B) muzzleloading pistols as authorized in paragraph (b)(2)(D), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light.

(2) Muzzleloader-only season equipment authorized for elk:

(A) Muzzleloading rifles and muskets as authorized in paragraph (b)(3)(B), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light; and

(B) archery equipment as authorized in subsection (a).

(d) Accessory equipment.



(1) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by ~~K.A.R. 115-4-12~~ K.A.R. 115-4-2 or K.A.R. 115-18-15 during a firearms deer or elk season shall wear clothing of a bright orange color having a predominant light wavelength of 595-605 nanometers, commonly referred to as daylight fluorescent orange, hunter orange, blaze orange, or safety orange. This bright orange color shall be worn as follows:

(A) A hat with the exterior of not less than 50 percent of the bright orange color, an equal portion of which is visible from all directions; and

(B) a minimum of 100 square inches of the bright orange color that is on the front of the torso and is visible from the front, and a minimum of 100 square inches that is on the rear of the torso and is visible from the rear.

(2) Nonelectric calls, lures, and decoys, except live decoys, shall be legal while hunting big game.

(3) Any individual may use blinds and stands while hunting big game.

(e) Big game permittees shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive big game permit or game tag in possession while hunting.

(f) ~~Shooting hours.~~

(4) Shooting hours for deer, antelope, and elk during each day of any deer, antelope, or elk hunting season shall be from one-half hour before sunrise to one-half hour after sunset.

~~(2) Shooting hours for turkey during each day of any turkey hunting season shall be from one half hour before sunrise to sunset.~~

~~(g) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the turkey is on the ground or in flight.~~

~~(h) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving elk. Dogs may be used while hunting turkey, but only during the fall turkey season.~~ (Authorized by K.S.A. 32-807 and K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5; implementing K.S.A. 32-807, K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5, K.S.A. 32-1002, and K.S.A. 32-1015; effective June 1, 2001; amended April 19, 2002; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

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

**DESCRIPTION:** This regulation establishes legal equipment and taking methods for big game species. The proposed amendment would make changes regarding wild turkeys, as a result of legislation passed in the 2004 legislative session. Wild turkey legal hunting equipment and taking methods will be contained in a new proposed regulation, K.A.R. 115-4-4a.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** These amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**ALTERNATIVES CONSIDERED:** None

**115-4-13. Deer permits; descriptions and restrictions.** Except as otherwise specified or further restricted by law or regulation, the following deer permit descriptions, provisions, and restrictions shall be in effect.

(a) White-tailed deer permits.

(1) Archery white-tailed deer permit. This permit shall be valid for the hunting of white-tailed deer during the established archery deer season within a prescribed management unit or units, using equipment that is legal during the archery deer season.

(2) Firearm white-tailed deer permit. This permit shall be valid for the hunting of white-tailed deer during the established muzzleloader-only and firearms deer seasons within a prescribed management unit, using equipment that is legal during the established season.

~~(2)~~ (3) Antlerless white-tailed deer permit. This permit shall be valid for the hunting of antlerless white-tailed deer statewide during the established muzzleloader-only, archery, and firearms deer seasons using equipment that is legal during the established season.

~~(3)~~ (4) Antlerless white-tailed deer game tag. This permit shall be valid for the hunting of antlerless white-tailed deer during the established muzzleloader-only, archery, and firearms deer seasons within a prescribed management unit or units, using equipment that is legal during the established season. This permit shall not be valid on department lands and waters.

(b) Any-deer permits.

(1) Archery any-deer permit. This permit shall be valid for the hunting of any deer during the established archery deer season within a prescribed management unit or units, using equipment that is legal during the archery deer season.

(2) Firearm any-deer permit. This permit shall be valid for the hunting of any deer during the established firearms deer season within a prescribed management unit, using equipment that is legal during the firearms deer season.

(3) Muzzleloader any-deer permit. This permit shall be valid for the hunting of any deer during the established muzzleloader-only and firearms deer seasons within a prescribed management unit, using muzzleloader equipment that is legal during the muzzleloader-only or firearms deer season.

(4) Leftover any-deer permit. Leftover any-deer permits shall be those firearm and muzzleloader any-deer permits that remain unissued after the first drawing process is completed. This permit shall be valid for the hunting of any deer within a prescribed management unit during the established muzzleloader-only, archery, and firearms deer seasons using equipment that is legal during the established season.

(c) Hunt-on-your-own-land deer permits. Each hunt-on-your-own-land permit shall be valid for any deer, unless otherwise specified in regulation.

(1) Resident hunt-on-your-own-land deer permit. This permit shall be available to individuals who qualify as resident landowners or as tenants or as family members domiciled with the landowner or with the tenant. This permit shall be valid during the muzzleloader-only,

archery, and firearms deer seasons, using equipment that is legal during the established season.

‡ This permit shall be valid only on lands owned or operated by the landowner or tenant.

(2) Special hunt-on-your-own-land deer permit. This permit shall be available to individuals who qualify as resident landowners or as tenants or as family members domiciled with the landowner or with the tenant. This permit shall be valid during the muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the landowner or tenant. This permit shall be transferable to family members who are lineal or collateral ascendants or descendants of the landowner or of the tenant. These family members shall include the spouses of lineal or collateral ascendants or descendants of the landowner or of the tenant.

(3) Nonresident hunt-on-your-own-land deer permit. This permit shall be available to nonresident individuals who qualify as Kansas landowners. This permit shall be valid during the muzzleloader-only, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the nonresident landowner or tenant.

(d) Nonresident deer permits. If nonresident deer permits are issued, each nonresident permit shall be valid for the same season and for the same management unit as those for which the equivalent resident deer permits are valid.

(e) Each deer permit or game tag shall be valid only for the species of deer specified and only for the antler category of deer specified by regulation or on the permit or game tag.

(1) An either-sex deer permit shall be valid for deer of either sex.

(2) An antlerless deer permit or game tag shall be valid only for a deer without a visible antler plainly protruding from the skull.

(3) An any-deer permit shall be valid for a white-tailed deer of either sex or a mule deer of either sex, except that an antlerless any-deer permit shall be valid only for a deer of either species without a visible antler plainly protruding from the skull. (Authorized by K.S.A. 32-807 and K.S.A. 2003 Supp. 32-937, as amended by L. 2004, Ch. 99, Sec. 5; implementing K.S.A. 32-807, K.S.A. 2003 Supp. 937, as amended by L. 2004, Ch. 99, Sec. 5, and K.S.A. 32-1002; effective Jan. 30, 1995; amended June 6, 1997; amended July 30, 1999; amended June 1, 2001; amended P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

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

**DESCRIPTION:** This permanent regulation establishes types of deer permits offered by the department, and restrictions regarding who may obtain them. The proposed amendment would create the class of archery whitetailed either-sex deer permit and conform the regulation to current practices.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** The proposed amendment would not have any economic impact on the department, the public or on other agencies.

**ALTERNATIVES CONSIDERED:** None



**115-4-4a. Wild turkey; legal equipment and taking methods.** (a) Hunting equipment for the taking of wild turkey during a wild turkey archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic or chemical device attached to the bow or arrow, with the exception of lighted pin, dot, or holographic sights.

(E) Each arrow used for hunting shall be equipped with a nonbarbed broadhead point with all-metal cutting edges.

(F) Each arrow used for hunting shall be at least 20 inches in length.

(G) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(H) Range-finding devices may be used or attached to the bow if the system does not project visible light toward the target.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of wild turkey during a wild turkey firearm season shall consist of the following:

(1) Archery equipment as authorized in subsection (a);

(2) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light;

(3) range-finding devices, if the system does not project visible light toward the target;  
and

(4) shotguns and muzzleloading shotguns not less than 20 gauge and using only size two shot through size nine shot.

(c) Legal accessory equipment for the taking of wild turkey during any wild turkey season shall consist of the following:

(1) Nonelectric calls, lures, and decoys, except live decoys; and

(2) blinds and stands.

(d) Each wild turkey permittee shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive wild turkey permit or game tag in possession while hunting.

(e) Shooting hours for wild turkey during each day of any turkey hunting season shall be from one-half hour before sunrise to sunset.

(f) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the turkey is on the ground or in flight.

(g) Dogs may be used while hunting turkey, but only during the fall turkey season.

(Authorized by K.S.A. 32-807 and L. 2004, Ch. 99, Sec. 12; implementing K.S.A. 32-807, L. 2004, Ch. 99, Sec. 12, and K.S.A. 32-1002; effective P-\_\_\_\_\_.)

## **ECONOMIC IMPACT STATEMENT**

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

**DESCRIPTION:** This new regulation establishes legal equipment and taking methods for wild turkeys. The proposed regulation is a result of legislation passed in the 2004 legislative session and the provisions contained herein were derived from the current version of K.A.R. 115-4-4.

**FEDERAL MANDATE:** None.

**ECONOMIC IMPACT:** These amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

**ALTERNATIVES CONSIDERED:** None

**115-25-5. Turkey; fall season, bag limit, and permits.** (a) The open fall season for the taking of turkey shall be the first day of October through the day before the first day of the regular deer firearms season as specified in K.A.R. 115-25-9 and shall reopen on the day following the last day of the regular deer firearms season through the last day in December. The open fall season shall reopen again on the day following the last day of the extended firearms season as specified in K.A.R. 115-25-9 through the last day in January. Any equipment that is legal during an archery or firearm turkey season shall be permitted during this season.

(b) The units and the number of permits authorized for the taking of turkey during the established seasons shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by Colorado on the west and Nebraska on the north and a line from the Nebraska-Kansas border south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway federal highway US-183, then north on federal highway US-183 to its junction with interstate highway I-70, and then west on interstate highway I-70 to the Colorado-Kansas border, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 1.

(2) Unit 2. Unit 2 shall consist of that area bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south, and a line from the Nebraska-Kansas border south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate

highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 2.

(3) Unit 3. Unit 3 shall consist of that area bounded by Oklahoma on the south and a line from the Oklahoma-Kansas border northeast on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by Oklahoma on the south and Colorado on the west, and a line from the Kansas-Colorado border east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, and then southwest on federal highway US-54 to the Oklahoma border, except federal and state sanctuaries. No permits shall be authorized in unit 4.

(c) The bag limit for the open fall season shall be one turkey of either sex for each permit or game tag.

(d) Firearm permits for unit 1, unit 2, and unit 3, and game tags for unit 2 may be purchased over the counter at all regional offices, the Pratt office, the Topeka office of the secretary, and other designated locations, from the earliest date that applications are available through 5:00 p.m. on January 30.

(e) An individual shall not apply for or obtain more than one turkey permit and three turkey game tags for the open fall season. Only an individual who has purchased a turkey permit shall be eligible to purchase a turkey game tag.

(f) Turkey permits and turkey game tags shall be valid only for the unit or units designated on the turkey permit or turkey game tag.

(g) This regulation shall be effective on and after May 1, 2005. (Authorized by K.S.A. 32-807 and K.S.A. 2004 Supp. 32-969; implementing K.S.A. 32-807, K.S.A. 2004 Supp. 32-969, and K.S.A. 32-1002.)

#### **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-25-5** Turkey; open season, bag limit, and permits

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2005 fall firearm and archery wild turkey seasons. One substantive change is proposed. The length of the fall wild turkey hunting season would be extended through the end of January, excluding the firearms deer season and the extended firearms deer season. Otherwise, the regulation would be unchanged from previous seasons.

**FEDERAL MANDATE:** None

**ECONOMIC IMPACT:** It is anticipated that 15,000 fall turkey hunting permits and tags will be issued in 2005. This total includes 9500 resident permits, 4,500 second turkey game tags and

1000 nonresident permits. Estimated revenue if all permits are issued would be \$265,000. That amount represents an equal expenditure for those individuals desiring to participate in the fall turkey hunting season. Administrative costs associated with the season are borne by the department.

The department estimates over 20,000 days of hunting activity will occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the general public or on other state agencies is anticipated.

**ALTERNATIVES CONSIDERED:** None.

**115-25-6. Turkey; spring season, bag limit, permits, and game tags.** (a) The open season for the taking of turkey by use of firearms or archery equipment shall begin on the second Wednesday in April and shall continue through the last day in May.

(b)(1) The season for designated persons for the taking of turkey shall be the Friday, Saturday, and Sunday immediately before the open season specified in subsection (a) in all turkey management units. All turkey permits and second turkey game tags issued for the open season shall be valid during this season.

(2) The following persons may hunt during the season for designated persons:

(A) Any person having a valid turkey permit or second turkey game tag who is 16 years of age or younger, while under the immediate supervision of an adult who is 18 years of age or older;

(B) any person with a permit to hunt from a vehicle issued according to K.A.R. 115-18-4; and

(C) any person with a disability assistance permit issued according to K.A.R. 115-18-15.

(c) The legal limit shall be one bearded turkey per turkey permit and one bearded turkey per second turkey game tag where game tags are authorized.

(d) The units and the number of permits authorized for the taking of turkey during the established season shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by Colorado on the west and Nebraska on the north and a line from the Nebraska-Kansas border south on federal highway



US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway federal highway US-183, then north on federal highway US-183 to its junction with interstate highway I-70, and then west on interstate highway I-70 to the Colorado-Kansas border, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 1.

(2) Unit 2. Unit 2 shall consist of that area bounded by Nebraska on the north, Missouri on the east, and Oklahoma on the south, and a line from the Nebraska-Kansas border south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 2.

(3) Unit 3. Unit 3 shall consist of that area bounded by Oklahoma on the south and a line from the Oklahoma-Kansas border northeast on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, then south on state highway K-14 to

its junction with state highway K-2, then south on state highway K-2 to its junction with state highway K-179, and then south on state highway K-179 to its junction with the Oklahoma border, except federal and state sanctuaries. An unlimited number of permits and an unlimited number of second turkey game tags shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by Oklahoma on the south and Colorado on the west, and a line from the Kansas-Colorado border east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, and then southwest on federal highway US-54 to the Oklahoma border, except federal and state sanctuaries. A total of 200 permits shall be authorized for unit 4, of which 125 permits shall be designated for the regular draw, and 75 permits shall be designated for a drawing among applicants 16 years of age or younger. Those youth permits not issued during the youth draw shall be available to general applicants during the regular draw in addition to the 125 permits designated for the regular draw.

(e) Turkey permits and second turkey game tags shall be valid only for the unit or units designated on the turkey permit or second turkey game tag.

(f) Only those individuals who have purchased a turkey permit shall be eligible to purchase a second turkey game tag.

(g) Applications for turkey permits in unit 4 shall be accepted by the department from the earliest date that applications are available until 5:00 p.m. on the third Friday of February. Applications with a postmark date of not later than the third Friday of February shall also be accepted. If there are turkey permits left over after all timely applications have been considered, the application period may be reopened by the secretary. Leftover turkey permits shall be issued on a daily competitive basis until the next to the last day of the turkey season or until all turkey permits are issued.

(h) Applications for turkey permits in unit 1, unit 2, and unit 3 and for second turkey game tags in unit 2 and unit 3 shall be accepted at designated locations from the earliest date that applications are available until 5:00 p.m. on the Friday before the closing date for the season.

(i) Each turkey permit and each second turkey game tag purchased during the open season shall be valid on the calendar day after the date of purchase.

(j) This regulation shall be effective on and after April 1, 2005. (Authorized by K.S.A. 32-807 and K.S.A. 2004 Supp. 32-969; implementing K.S.A. 32-807, K.S.A. 32-1002, and K.S.A. 2004 Supp. 32-969.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-25-6.** Turkey; spring season, bag limit, permits and game tags.

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limits, application periods and season dates for the spring turkey hunting season. The proposal would amend the current version of the regulation changing the age of the supervising adult during the youth season from 21 to 18 years of age to conform with changes in hunter education law effective January 1, 2005.

**FEDERAL MANDATE:** None

**ECONOMIC IMPACT:** It is anticipated that 38,525 permits and 14,600 turkey game tags will be issued in 2005. The estimated 38,525 permits include 23,400 regular resident permits, 8,600 landowner-tenant permits, 6,500 non-resident permits, and 75 youth permits. Estimated revenue if the above number of permits and tags are issued would be \$939,200. That amount represents an equal expenditure for those individuals desiring to participate in the spring turkey season. Administrative costs associated with the season are borne by the department.

Approximately 215,000 recreational days of hunting could occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the general public or on other state agencies is anticipated.

**ALTERNATIVES CONSIDERED:** None

**115-25-7. Antelope; open season, bag limit, and permits.** (a) The open season for the taking of antelope shall be as specified in this subsection. The unit designations in this subsection shall have the meanings specified in K.A.R. 115-4-6.

(1) Archery season.

(A) The archery season dates shall be September 24, 2005 through October 2, 2005 and October 15, 2005 through October 31, 2005.

(B) The taking of antelope during the established archery season shall be authorized for Smoky Hill, unit 2; West Arkansas, unit 17; and Cimarron, unit 18. Unlimited archery permits shall be authorized for the area.

(2) Firearm season.

(A) The firearm season dates shall be October 7, 2005 through October 10, 2005.

(B) The open units for the taking of antelope during the established firearm season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Ninety firearm permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Twenty-eight firearm permits shall be authorized for the unit.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be October 3, 2005 through October 10, 2005. Muzzleloader permits also shall be valid in the unit for which the permit is authorized during the established firearm season dates.

(B) The open units for the taking of antelope during the established muzzleloader-only season and the number of permits authorized shall be as follows:

- (i) Smoky Hill, unit 2: Twenty muzzleloader permits shall be authorized for the unit.
- (ii) West Arkansas, unit 17: Ten muzzleloader permits shall be authorized for the unit.
- (iii) Cimarron, unit 18: Eight muzzleloader permits shall be authorized for the unit.

(b) The bag limit for each archery, firearm, and muzzleloader permit shall be one antelope of either sex.

(c) Applications for firearm and muzzleloader permits shall be accepted in the Pratt office from the earliest date that applications are available through June 10, 2005. Applications with a postmark date of not later than June 10, 2005 shall also be accepted. Applications for archery permits shall be accepted in the Pratt office from the earliest date that applications are available through October 30, 2005. If there are any unfilled permits after all timely applications have been considered, the application period may be extended by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any permit made available during an extended application period, or any other permit that is available on an unlimited basis.

(d) This regulation shall be effective on and after May 1, 2005, and shall have no force and effect on and after March 1, 2006. (Authorized by K.S.A. 32-807 and K.S.A. 2004 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2004 Supp. 32-937, and K.S.A. 32-1002.)

## **ECONOMIC IMPACT STATEMENT**

**K.A.R. 115-25-7.** Antelope; open season, bag limit, and permits.

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2005 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2004 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 125 people may apply for these permits.

The proposed unit boundaries for the 2005 firearm hunting season are the same as the 2004 unit boundaries. A total of 118 firearms permits are proposed in two management units as follows: Unit 2 - 90 permits and Unit 17 - 28 permits, an increase of 14 total permits from 2004. In addition, 38 muzzleloader permits are proposed in three management units as follows: Unit 2 - 20 permits, Unit 17 - 10 permits, and Unit 18 - 8 permits, an increase of 8 total permits from 2004.

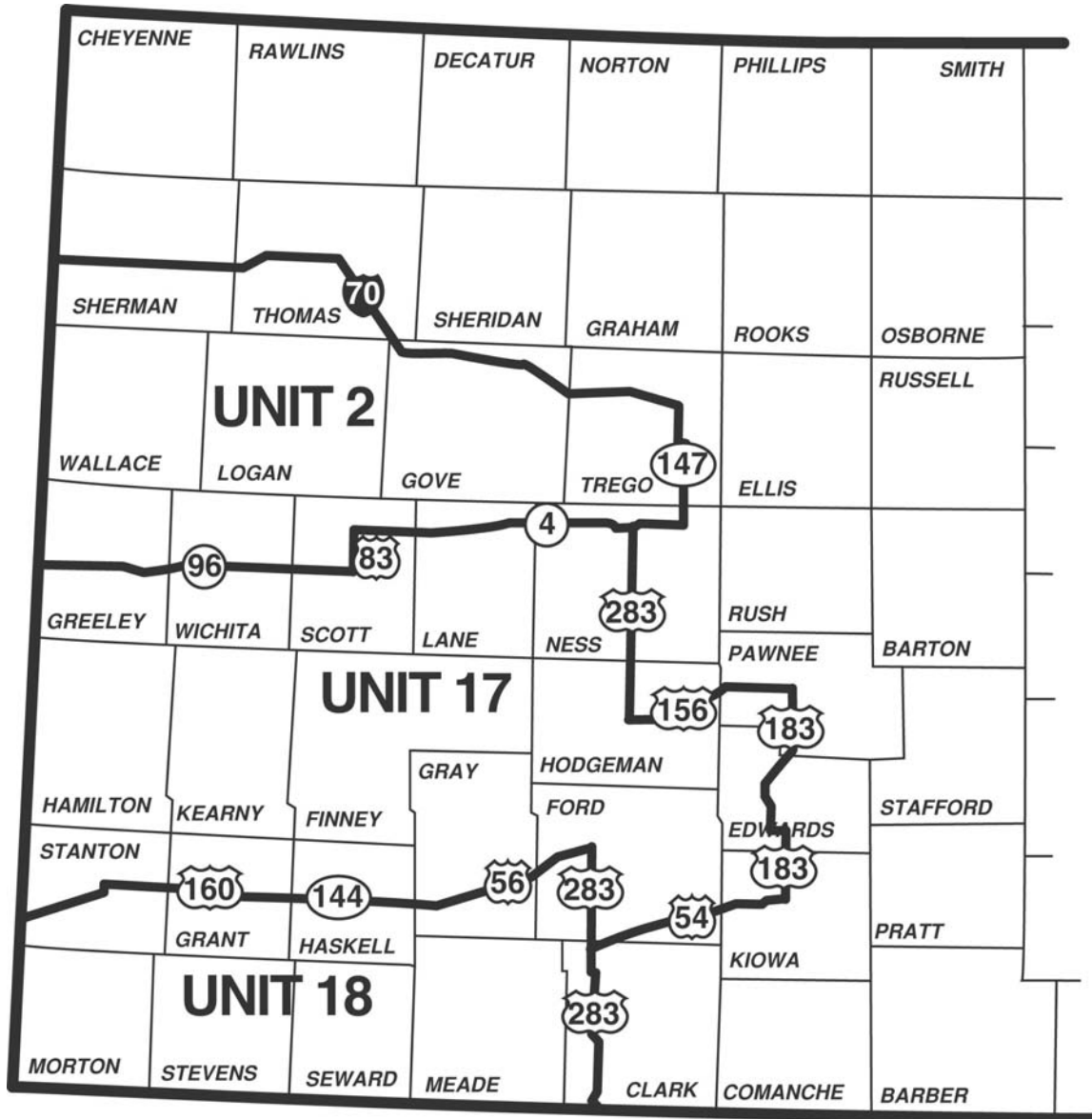
**FEDERAL MANDATE:** None

**ECONOMIC IMPACT:** It is anticipated that 282 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be \$9,870. That amount represents equal participation in the antelope season by landowner/tenants and general residents. Approximately 1100 people will apply for an antelope permit. A \$5 nonrefundable application fee from all applicants will generate an additional \$5,500. Other administrative costs associated with the season are borne by the Department.

Approximately 800 days of hunting activity will occur. The national survey of fishing, hunting, and wildlife associated recreation conducted by the U.S. Fish and Wildlife Service estimated that an average big game hunter spent more than \$512 per season, thus the antelope season may generate \$144,384 in economic benefits to businesses providing goods and services. There will be no other economic impact on the general public or on other state agencies.

**ALTERNATIVES CONSIDERED:** None

# Antelope Units





**115-25-8. Elk; open season, bag limit and permits.** (a) The unit designations in this regulation shall have the meanings specified in K.A.R. 115-4-6, except that the area of Fort Riley, subunit 8a, shall not be included as part of Republican, unit 8.

(b) The open seasons for the taking of elk shall be as follows:

(1) The archery season units shall be Middle Arkansas, unit 6; Republican, unit 8; Tuttle Creek, unit 9; and Flint Hills, unit 14. The archery season dates shall be October 1, 2005 through November 29, 2005 and December 12, 2005 through December 31, 2005.

(2) The firearm season dates and units shall be as follows:

(A) Middle Arkansas, unit 6; Republican, unit 8; Tuttle Creek, unit 9; and Flint Hills, unit 14: November 30, 2005 through December 11, 2005 and January 1, 2006 through March 15, 2006.

(B) Fort Riley, subunit 8a:

(i) First segment: October 1, 2005 through October 31, 2005.

(ii) Second segment: November 1, 2005 through November 30, 2005.

(iii) Third segment: December 1, 2005 through December 31, 2005.

(3) The muzzleloader units shall be Middle Arkansas, unit 6; Republican, unit 8; Tuttle Creek, unit 9; and Flint Hills, unit 14. The muzzleloader season dates shall be September 1, 2005 through September 30, 2005.

(c) An any-elk permit shall be valid during any season using equipment authorized for that season. Ten any-elk permits shall be authorized.

(d) An antlerless-only elk permit shall be valid during any season using equipment authorized for that season, except that an antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only as follows:

(1) A first-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during the first segment. Five first-segment antlerless-only elk permits shall be authorized.

(2) A second-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during the second segment. Five second-segment antlerless-only elk permits shall be authorized.

(3) A third-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 8a, only during third segment. Five third-segment antlerless-only elk permits shall be authorized.

(e) The bag limit shall be one elk as specified on the permit issued to the permittee.

(f) Antlerless-only elk permits and any-elk permits shall be awarded from a pool of applicants who are Fort Riley military personnel and applicants who are not Fort Riley military personnel.

(g) An unlimited number of hunt-on-your-own-land elk permits shall be authorized for Middle Arkansas, unit 6; Republican, unit 8; Tuttle Creek, unit 9; and Flint Hills, unit 14. A hunt-on-your-own-land permit shall be valid during any open season in these units. The bag limit for each hunt-on-your-own-land elk permit shall be one antlerless elk. Applications for hunt-on-your-own-land elk permits shall be accepted at the Pratt office from the earliest date that applications are available through March 14, 2006.

(h) Applications for antlerless-only elk permits and any-elk permits shall be accepted in the Pratt office from the earliest date that applications are available through July 15, 2005. Applications with a postmark date of not later than July 15, 2005 shall also be accepted.

(i) If there are leftover antlerless-only elk permits or any-elk permits after all timely applications have been considered, the application periods for those permits may be reopened by the secretary. Leftover permits shall be drawn and issued on a daily basis for those application periods reopened by the secretary. Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permit or any other permit that is available on an unlimited basis.

(j) This regulation shall have no force and effect on and after April 1, 2006. (Authorized by K.S.A. 32-807 and K.S.A. 2004 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2004 Supp. 32-937, and K.S.A. 32-1002.)

## ECONOMIC IMPACT STATEMENT

**K.A.R. 115-25-8.** Elk; open season, bag limit and permits.

**DESCRIPTION:** This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2005-2006 muzzleloader, archery, and firearm seasons for elk. The units would be the same as the previous season. Elk hunters would be allowed to hunt during any open season with the equipment that was allowed during that season. The regulation would allow elk hunting from September 1, 2005 through March 15, 2005 in units 6, 14, 8 and 9 (outside Fort Riley). However, only five antlerless-only elk permits at a time would be made available for use during each of three seasons on subunit 8a (Fort Riley) (October 1, 2005 through October 31, 2005; November 1, 2005 through November 30, 2005; and December 1, 2005 through December 31, 2005). Ten any-elk permits would be valid from October 1, 2005 through December 31, 2005 on subunit 8a and from September 1, 2005 through March 15, 2005 in the remainder of the unit. In addition, an unlimited number of hunt-on-your-own-land (HOYOL) antlerless-only elk permits would be made available, to be used during any open season. Fort Riley military personnel would continue to control access to the military grounds for the purpose of elk hunting, and are expected to provide hunting access only during a portion of the available days during the open seasons. The seasons are intended to provide increased opportunity for those hunters drawing elk permits, and increased flexibility to address elk that may disperse off the Fort.

**FEDERAL MANDATE:** None

**ECONOMIC IMPACT:** It is anticipated that 40 elk permits may be issued, including 25 available non-HOYOL permits. Estimated revenue if all permits are issued would be approximately \$7,500. Administrative costs associated with the season are borne by the Department. Approximately 440 days of hunting activity may occur, thus providing economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons, and permit numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public. No other economic impact on the general public or on other state agencies is anticipated.

**ALTERNATIVES CONSIDERED:** None

# Elk Units

