

**Kansas Department of Wildlife and Parks
Commission Meeting
Thursday, March 28, 2024
Topeka & Shawnee County Library, Marvin Auditorium 101C
1515 SW 10th Ave, Topeka KS
including a
Virtual ZOOM Meeting Option**

Approved Subject to
4/25/24 Commission
Approval

The March 28, 2024, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Gerald Lauber at 12:00 p.m.

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

II. INTRODUCTION OF COMMISSIONERS AND GUESTS

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

Chairman Lauber – As many of you know this is my last meeting. I want to thank the staff and everybody I have worked with all these years; it has been an honor and I have enjoyed it. I am going to take this opportunity to introduce Whitney Damron, who is coming on the Commission starting next month. We welcome him aboard. Whitney Damron – Thank you. I look forward to working with all of you and the agency. It was an honor to be asked by the Governor to serve. It is a little intimidating to succeed you Chairman Lauber. Thank you for all you have done all these years.

III. ADDITIONS AND DELETIONS TO AGENDA ITEMS

Sheila Kemmis – There is a revised agenda, not in the briefing book, but on the table and I gave one to each of you. Under public hearing, Levi Jaster is presenting item number one, 115-4-11, not Matt Peek. Under Secretary’s Remark section, Martin de Boer will be presenting legislative update instead of Dan Riley. Terry Bruce will answer any questions on pending items at the end of the afternoon. Under Workshop Session, Tom Bidrowski will be presenting the Webless Migratory Bird Regulations in place of Rich Schultheis. Also, the 2024 waterfowl seasons briefing item was changed. New copies are on your table and as handouts in the back.

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

IV. APPROVAL OF THE January 25, 2024, MEETING MINUTES

Commissioner Phil Escareno moved to approve the minutes; Commissioner Warren Gfeller seconded. *Approved* (Minutes – Exhibit D).

V. DEPARTMENT REPORT

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

1. KAR 115-4-11 Big game and wild turkey permit applications – Levi Jaster, big game coordinator, biologist, presented this regulation to the Commission (Exhibit E). This has been discussed multiple times. We are cleaning up old language left in place a couple of years ago when we changed it. This deals with the antelope preference system in the draw. The change we made was to eliminate being able to get a preference point in the same year that you buy an over-the-counter tag. This would help with competition and try to reduce “point creep” and distribute tags a little better.

Commissioner Warren Gfeller moved to approve KAR 115-4-11 as presented to the Commission. Commissioner Lauren Sill second.

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

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-4-11 passed 7--0.

2. KAR 115-25-11 Furbearers; open seasons and bag limits – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit G). The proposed change would extend the raccoon and possum harvest season to year-round but would limit traps used outside the existing furbearer season to cage and foot encapsulating, or dog proof, type traps. The Department will monitor harvest that occurs during this new season through an annual furbearer harvest survey. If the pelt market and related harvest for these species recovers in the future, (KDWP) would revisit this open season with strong favor towards furharvesters who traditionally make use of the animals. So, if the pelt market changed this season, might go away at some point in the future. This regulation has been in the promulgation process for a long time. This recommendation came about because the raccoon population has been on a long term, 40-year, population increase and are thought, by some, to have detrimental impact on some species, either directly or indirectly. I brought up in the past canine distemper impacting gray fox populations. And predation of game species like turkeys and quail. Our average harvest has declined for raccoon by over 50% since about 2015, and since that time, pelt prices have been below the cost of running a trap line for them, \$3 average in recent years. I've also presented in the past some information on what it would take from a harvest to affect population, and it's unlikely that this is going to result in any meaningful population-level decline. However, it seems to be the popular public sentiment, to open things up on them, even amongst the

furharvesters themselves, who would typically be the strongest advocates for the furbearer species. The latest survey only about 12% of furharvesters would oppose this regulation change.

Kin Hickman, KS Federation of Houndsmen – There is no mention of hounds in here, correct? Peek – Yes, it said hunting for furharvesting and implies trapping with limited traps. All of the legal methods of hunting are still valid, including hound hunting. Hickman – I wanted to make sure.

Commissioner Troy Sporer moved to approve KAR 115-25-11 as presented to the Commission. Commissioner Lauren Sill second.

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

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes
Commissioner Sporer	Yes
Commissioner Lauber	Yes

The motion to approve KAR 115-25-11 passed 7--0.

3. KAR 115-30-10 Personal watercraft; definition, requirements, and restrictions - Eric Deneault, boating law administrator, presented this regulation to the Commission (Exhibit I). This is clean up and updating language. A few years back we updated the PFD law when the Coast Guard changed the terminology. They didn't change the requirement, they just changed the terminology used to be types I, II, III, IV, and V, and they went to a different system. We updated the PFD regulation but missed the personal watercraft regulation that specifies what kind of life jackets are required on the personal watercraft. So, we are proposing to remove the requirement of the type and just make it a U.S. Coast Guard approved life jacket. There shouldn't be any effect on any of the citizens. No cost involved. We still allow the older type I, II, III, IV, and V life jackets, we are just including the new terminology as well. Also, it is a requirement to keep our U.S. Coast Guard funding to follow the U.S. Coast Guard laws.

Commissioner Emerick Cross moved to approve KAR 115-30-10 as presented to the Commission. Commissioner Troy Sporer second.

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

Commissioner Cross	Yes
Commissioner Escareno	Yes
Commissioner Gfeller	Yes
Commissioner Lister	Yes
Commissioner Sill	Yes

Commissioner Sporer
Commissioner Lauber

Yes
Yes

The motion to approve KAR 115-30-10 passed 7--0.

4. Secretary's Orders for Deer - Levi Jaster, big game coordinator, presented this regulation to the Commission (Exhibit K). There is no vote necessary on this. I have a presentation (Exhibit L) and will go over the Secretary-ordered deer quotas. I cover some of the key fundamentals of why we've got a draw system in place. Kansas has a healthy and sustainably managed deer herd, and to that effect, the draw was implemented by state law, in statute. Our deer are an investment in our state, but we don't want to live off the interest or cut into it to where we harm ourselves. So, it lets Kansans utilize the resources that they live with on a regular basis and be able to share that with nonresidents, too. The fair distribution of permits is, by necessity, limited in number and gives us a set application period for everybody to make the same application. Fees are known ahead of time in our system, relative to draw systems across the country, and we are fairly predictable. The only advantage in this system is to either not get a permit the year before if you applied or give up your chance to put into the draw that year and just get a preference point for next year. Then the next year you would have a higher chance, 100% chance, of getting a tag. So, the quotas are based on both biological and social carrying capacity. We look at quite a bit of different information, from population harvest to landowner and hunter comments. Right now, the demand is surpassing the supply that we have a much higher percentage of nonresident hunters than other Midwest states. With that we are seeing loss of tolerance for nonresidents. They claim low and declining populations, loss of access, which is both real and perceived. Many people have lost access. They are upset because they can't go knock on a door and hunt the best property for deer near town anymore. They may still be able to get on somewhere else, but it's not that best place or a place they used to hunt. Also, in Kansas we have a very low percentage of public land that's open to hunting. We have less than 2% public land in Kansas, and not all of that is open to hunting, yet public land accounts for 8-10% of our deer harvest in a lot of years. So, it's the use and what comes off of our public lands is well out of proportion with the amount of area we have to hunt, and nonresidents harvest fewer antlerless deer than 100 residents do. We count on our residents to control deer herds. With the system, landowners retain the valuable commodity that they have, and that's access to their property, so they can still make money off of it. They just don't necessarily control the tags in a lottery system, and we have a lottery system. Guarantee number of tags in a unit, leftovers are for sale over the counter if there are any, however we have not had many due to demand. Every individual is guaranteed a permit in that sense, and if two people who apply have same number of preference points, they have the same chance of getting a permit in the same unit. There are 18 original deer management units, and each one has its own quota. DMU 19 is the I-70 corridor between Topeka and Kansas City, which bolsters the opportunity to harvest an antlerless deer. There are no either-sex tags there, and for the last few years has been only one antlerless tag. That is a more urban area where we need to reduce deer to help with vehicle accidents and other deer conflicts. Statewide, there has not been a lot of change in numbers over time. We are two years off our peak number ever issued. Next is state average deer density and looking at trend lines and changes over time. Using a simplified model, over 10 years, if deer herd can grow. When we issue an either-sex permit most people target bucks. About half of the harvest is bucks and the other half does. With number growing so slowly, even though termed pretty strong growth potential, those bucks aren't there. They don't make up a full 50% so you can't issue more tags. You might think tags would increase but don't generally change, they are pretty stable on bucks per hundred does on survey efforts. We have a difficult time classifying, but stable and

we can't affect it on large scale very easily without hurting things. We have to be careful to maintain that so there is good opportunity. Fawns per hundred does is inclining, and there are a couple of different reasons. One of the reasons, mostly in the west but in the east as well, is poor habitat, poor fawn survival. You don't have many fawns out there when deer resources get high pressure, which is what we are seeing in the east. Too few in west and slow down in east. Statewide summary not a good picture of what is going on across the state, what is happening in one area is covered up by what is happening in another. Even though we are seeing some population growth in recent years, which is only occurring in the east and not in the west, so, general trend is down. Up some years, but below average across time. In central Kansas, stability in those units, average across all years it bounces around but hovering around middle ground. Eastern Kansas has growing deer herd, but even in Unit 12 the trend has been down, but still lot of deer there. It is not just population that goes into setting tags, we use population estimates, harvest numbers, deer vehicle crashes, sex ratios, age structure, reproduction and crop damage. We also use landowner opinions, public hunter opinions and disease. You know what permits were issued before and demand for permits and look at urban areas. We use our biologist's input and as I mentioned there is a statute in place that requires us to use, seven different pieces of information. Without the rest of things we consider, we would actually be issuing less tags than we are now. Only five of the units would increase and the rest would decrease using only those seven pieces, about a 500-permit decrease. When we use all that information, in some cases, like deer vehicle accidents there is a delay in reporting, we won't get 2023 until later this summer. Most of the other pieces we are using. We work from a three-year average. We are looking back where things are going and what is going on and don't want to work from just a single year worth of data. If you look at 2020, total number of deer vehicle accidents was down, but standardize across time and compare to miles driven, basically the same as year before, less people on the road because of Covid. Crop damage complaints have changed over time as well and it works to not just take one year of data and keeps us from having knee-jerk reactions and make major changes. We make more incremental changes so people can adjust, rather than drastic changes. Those dollar changes may have an effect over time and that could force into a drastic change. We are fairly stable. We are coming off the highest number from a few years back, there was a 27% increase in number of applicants, so it is harder to get a permit. The statewide trend doesn't tell the whole story. Some units are very popular and are selected heavily; one unit has big declines in deer numbers and applications are dropping off and yet we are still increasing and heading back up. There are other units that have traditionally not had that many people apply for them as their first choice, but now are above quotas. The last few years we have had more applicants than permits in the quota everywhere, where there had been some below in the past. For residents, those are draw permits also, in this case it is the either-sex either-species, often referred to as the rifle mule deer tag. Mule deer are hunted in two zones, east and west. The population is declining across both units. The low numbers make it hard to survey them, last year in the east zone there were so few observations that we couldn't even get a population density estimate. Peek for mule deer out there is around two per square mile, so low and getting lower. Permits and applications in the east and west unit are being cut for mule deer. We have a good population model that came out of research from Kansas State University that indicated that we need to cut mule deer tags down and reduce harvest to benefit the population.

Residents have suffered some of the lowest draw rates for a long time. To get into actual quotas for 2024 season, the trend is permits in the west are getting cut and, in the east, we have added some permits, except in Unit 12. That cut is in response to landowner desires more than anything else. In unit one, 510 permits, which is a cut of 75; unit two, 334, a decline of 45; unit 3, 813, a decline of 89; unit 4, 475 tags, a decline of 19; unit 5, 680, a reduction of 32; unit 6, 565, an increase of 21; unit 7, 1,520 tags, a reduction of 62; unit 8, 1,865, a reduction of 35; unit 9, 1,182 tags, an increase of 50; unit 10, 1,339 permits, an increase of 43; unit 11, 3,429, an increase of 60; unit 12, 2,189, a reduction of 54; unit 13, 615, an increase of 28; unit 14, 2,006, an increase of 45; unit 15, 1,625, an increase of 41; unit 16, 1,706, a decrease of 28; unit 17, 634, a decrease of 22; and unit 18, 248 permits, a decrease of 10. Permit stamps, in this case, have extremely low draw right now, generally on the order of single digits. To draw a mule deer stamp, you have to draw a whitetail permit first and then only those that are successful are able to draw for a mule deer stamp, and that stamp is randomly drawn. There is no preference point allowance in that. Generally, we have been reducing those numbers over time. The big changes this year will be in units 4 and 5, where no stamps will be issued for nonresidents. For residents, the east zone will be 68 either species permits, which is a reduction of seven. The west zone will have 1,072, which is a reduction of 98. So, 105 less permits total for that. For antlerless permits we won't be changing anything this year, although next year I suspect we'll be making some changes as we've done for the last several years.

Commissioner Sporer – This is only for rifle? Jaster – No, the nonresident permit quota is for all weapon categories. When a nonresident draws, they put in for the unit and then they can specify the weapon, it doesn't change their draw chance in the unit. It does change when and how they can hunt. So, if you put in for a rifle whitetail tag, you will be limited to rifle season, but if you put in for archery you could hunt the entire archery season, including the rifle season but would be limited to archery equipment. It is just one quota and choice of weapon doesn't change your odds within it. The total number of people that apply to that unit as their first choice does.

Commissioner Sporer – What about muzzleloaders? Are they in the mix for nonresidents too? Jaster – For nonresidents it is in the mix under rifle tags. The archery and muzzleloader tags are over the counter for residents for either-species. Muzzleloaders are limited to the zone they draw and during muzzleloader rifle season. As residents, you can buy the permits over the counter and statewide over the counter for archery. Commissioner Sporer – Muzzleloader permits used to be any species, just limited to a zone. Is it still? Have you reduced the number of tags for muzzleloader in units one and two? Jaster – Not yet it is still over the counter. It is something we are discussing with changes in mule deer, moving everybody to a draw, including archery and doing away with over the counter for next season. We are too late to change regulations in time for this year. Commissioner Sporer – What is increase of nonresident muzzleloader any-species tags? Jaster – Not much, if at all. Generally, some of the muzzleloader permits, when I do post-season harvest survey, I get complaints that there are so few of them. Muzzleloader is a surprisingly underutilized hunt in Kansas compared to archery and rifle. It is a unique opportunity, compared to a lot of states, our September season, including whitetails, because it is an opportunity to find a buck in velvet, still in summer pattern. But you are going to have to hunt when it is potentially 95 to 100 degrees.

Commissioner Sill – The reduction in 12; Explain that, because if you are increasing antlerless seasons there, now you are saying you are hearing complaints they want less, and the landowners want a drastic increase in antlerless deer harvest? Jaster – Landowners in 12 want increase in antlerless, fed up with nonresident hunters. I have toured farms there with bean fields that look like you took a bush hog mower after it and every plant was nipped off. Their complaint is the guy hunting across the fence is a nonresident and is not shooting any deer. In some cases, they

have talked to him and in others they don't know who it is anymore. In some cases, it is a nonresident landowner that only hunts deer and doesn't know what is going on the rest of the year. Or is it guide hunting and they only shoot bucks. We want to try to get more antlerless harvest. Commissioner Sill – Residents are better way to control antlerless deer. We give an antlerless permit to our not successful nonresident draw applicants. Is there a rough percentage on how they are used? Jaster – No, successful nonresidents have a combination permit, so they have an either-sex permit and an antlerless permit. Looking back to when we switched to just getting an either-sex permit and not having antlerless permit attached to that, we quadrupled number of permits, but we didn't even see antlerless deer harvest double. When that was put in place the expectation, from 2012-2013, was to see an increase of 11,000 to 12,000 animals, but it only increased by 4,000 animals. Commissioner Sill – Do you see the difference in HOL permits, those folks have to pay for their antlerless, is their trend any better trend than general draw applicants? Jaster – I don't know off the top of my head. Commissioner Escareno – In the history of declining tags and allowing limited permits, what growth have you seen in deer in western Kansas? I had people question me about declines. Jaster – Right now a large part of the problem is we can't make it rain. We have cut tags and not seen any upward change, seeing some downward declines. Residents are self-regulating and not harvesting deer in some cases. Because of the regulation cycle, as far as antlerless harvest, which will need to be on the docket to change that in western Kansas. We have left some opportunities in place dealing with chronic wasting disease but at this point we will likely be cutting back on that opportunity. We are at low enough numbers that we are not going to see any additional harvest because people are self-regulating. Commissioner Escareno – Had a call from a constituent about a landowner in eastern Kansas who drew permit and wanted to know if he could transfer their permit over to someone who comes in and hunts their land or give to an outfitter. Is there an opportunity or is that in the works? Jaster – There are no transferable tags and not looking to make changes in that direction. We are discussion some other options.

VI. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Commissioner Escareno – I received some calls from individuals with some lakes in southwest Kansas. They had some questions on how budgets are developed for the lakes and state parks? How are those monies distributed across state parks for upkeep and other things that need development? Brad Loveless – That is a complex process. Leadership has a pot of money they divide up. There is a lot of give and take and priorities. We would be glad to talk to that person directly and address their concerns. Commissioner Escareno – That makes sense.

Jordan Ford (online) – Resident hunter from Wichita. Appreciate time to talk, appreciate chance for feedback as you consider proposal on nonresident waterfowl hunting on public lands. The idea of trying to create a better hunting experience for residents should be commended. I support and respect KDWP and commission's authority in considering this proposal. I feel the proposal drafted creates a scenario that will have cascading negative impacts on both private and public land access for all waterfowl hunters. Restricting an entire group to less than 50% of the season on the majority of public lands will likely lead to artificially inflated prices for leasing private

land for hunting access in the state, for both residents and nonresidents. Resident duck hunters who have long enjoyed access to private ground from neighbors, friends and family will likely see access diminish as result of this proposal. More private landowners will lease their land. It will also create increased use of guides and outfitters and result in more lands being leased by them to allow nonresidents a place to hunt on those days public land is closed to them. The proposal will exacerbate a growing problem. You should focus your attention on the root cause of the issue, which is the amount of high-quality land publicly available for duck hunters. Kansas ranks at the bottom of the list in terms of acres available for hunting access. Even with WIHA, hunters only have a small portion of areas to pursue waterfowl. The North American Model of Conservation, the greatest and most effective model in the world, and uses scientifically proven facts to drive decision-making. If worried ducks experiencing too much pressure on public waters, why not carry over to private lands as well? Hunters need ducks and ducks need hunters. If main concern is busy boat ramp at the Bottoms, then focus efforts on more quality public access for duck hunters. I ask the commissioners to throw out the proposal because the impact will have a trickling effect and will create massive impacts on resident hunters. Thanks for time and consideration.

Greg Bieker – I wanted to get an update on proposed supplemental feed ban in Kansas? Brad Loveless – There is no feed ban, no suggestions by staff and no regulation developed. Nor has there been any movement on any ban on feeding on private land.

V. DEPARTMENT REPORT (continued)

B. Secretary's Remarks

Brad Loveless – Very pleased to introduce new secretary Chris Kennedy. He has hit the ground running, and this is just his second week.

Secretary Chris Kennedy – Thank you, Chairman Lauber, members of the Commission, staff and the public and thank you, Brad. I think it's a privilege to work side by side with you, and it allows me to speed up my learning curve, being able to have a little bit of overlap in our duties. So, I really appreciate that. As mentioned, my name is Christopher Kennedy. I'm thrilled to be standing here today to address you all as Department Secretary. The conservation and protection of our natural resources have been at the core of my professional and personal being for more years than I care to advertise, although the grey in my hair advertises enough. Each of those years have undoubtedly brought me to this role, right here, right now, with all of you. I'm sure many of you have seen the formal announcement of my appointment through Governor Kelly's newsroom and likely have already learned a little bit about my background. What is yet to be publicized are the great things that we're going to accomplish. And I say "we" very purposefully, because good conservation takes all of us. It takes the public, it takes our biologists, it takes our game wardens, it takes our partners, members of the Legislature, it takes our Commissioners, our Commission chair, and federal counterparts. It's also going to take all of us to ensure that this Department, Kansas' natural resources and our constituents, continue to thrive. I've been in this industry long enough to know that the challenges facing us right now very real. So, I won't pretend the road ahead will be easy, nor will I guarantee that we'll always agree. But what will be undoubtedly clear and inarguable are our shared goals, our mission, the things we value as conservationists, the way we show up as staff and as commissioners, and the standards we hold each other to moving forward. Achieving greatness is a team act. It's not a solo mission. I need your help, so help me, help them! Help us all to be great, knowing that every day I get to hold

this title, I'll be showing up the same way for all of you, too. I thank you in advance for showing up as your best selves today and every day to follow. I look forward to standing back up here a month from now, a year from now, three years from now, continuing to make progress on these important issues, and to celebrate the great accomplishments that I know are to come. With that, I stand for any questions that you all may have. Thank you all, and I look forward to serving all of you.

1. Agency and State Fiscal Status Report – Brad Loveless, presented this update to the Commission. Approaching nine-month mark of FY 2024 which began July 1. Park Fee Fund (PFF) revenue is derived from entrance fees, camping fees and annual vehicle passes to state parks. February revenue was \$582,000, a 25% increase compared to February of recent years. Fiscal year to date revenue stands at \$8.2 million, which reflects growth from previous years, partially attributed to some pay back of monies from Aspira, our licensing agent. The cash balance at end of February was \$7 million in the cabin revenue, which is from parks and public land cabin rentals. Total revenue was almost \$112,000, fiscal year to date was \$686,000, 36% increase from last year. Wildlife Fee Fund (WFF) is derived from sale of hunting and fishing licenses, big game permits and tags, to hunters and anglers. WFF revenue was \$1.7 million in February, above previous years. Revenue is just over \$14 million and cash balance was \$18.9 million. The Boat Fee Fund (BFF) is derived from boat registrations and with this money we provide boating safety, education, and access infrastructure to protect and support the boating public. Receipts in February were just over \$90,000, an increase from previous years. Fiscal year to date revenue was \$673,000. The cash balance at end of February was \$2.5 million.

Brad Loveless – I will pass the microphone to Martin de Boer who is the new government relations person and has been here about three weeks. He will give the legislative update.

2. Legislative Update – Martin DeBoer, government relations manager, presented this update to the Commission (Exhibit M). I came over from Legislative Research where I worked since 2019 on budget staff on many legislative committees. In the handout there is not much going on with any of these bills, but I will touch on a couple. SB 28 is currently in conference, which includes our budget bill, there are no outstanding issues or concerns at this time. SB 347 is commission bill which abolishes the current commission and reestablishes a new commission and changes appointing powers. It is below the line in the House and needs to be above the line to pass out. If it passes out it will go to conference and if it gets out of there it will go to the Governor. There is still time for that to become an issue that we need to deal with. HB 2648 is a rules and regs bill which creates some definition changes. We have concerns on that. It is currently pending enrollment with the Governor. There is potential discussion on that bill that applies to us, and we are having discussions internally on how to address that. SB 417 is eminent domain bill. This bill narrows scope of Secretary's powers for eminent domain and most notably give the Attorney General discretion on if they will proceed with eminent domain as recommended by the secretaries. That bill is still in House Ag and Natural

Resources. All of these bills, if they pass the first chamber, are conferencable, which means they can be taken and put into other bills. Currently, we don't see any moving on that.

Commissioner Gfeller – When those are stricken from the calendar, does that mean it is dead and would have to be reintroduced? How much time is left? DeBoer – They go on vacation for three weeks. So, looking at May 2, day 90 for session, which is the deadline day. Only on even years they have 90-day session.

Commissioner Sill – For constituents that are interested and want to express an opinion either way on 347, can they still express opinions regardless of their stance? On rules and regs, is there any place where they can or should express those opinions? de Boer – At this point in time, given the schedule and process, sure. Anytime someone has questions or concerns they can voice on behalf of their own interests, not on behalf of the department. It their right and duty to speak out to legislature, or send them to the governor's office, or to me. Brad Loveless – System only works if people have input, for our agency, the commission and legislature. So please get engaged.

Brad Loveless – We want to take this opportunity to thank Gerald Lauber. He has been a great chairman and friend of the agency. Gerald started service with the KDWP commission in April 2005. Since then, he has been a steadfast voice of reason throughout his service to the natural resources of Kansas and its constituents. He has consistently responded with wisdom and good humor, which we have all enjoyed. He always put the best interest of Kansans and our natural resources ahead of his own. He was raised in Woodson County in southeast Kansas and his family farm was right next to the Woodson Wildlife Area. Gerald's passion for the outdoors has been fostered by the wildlife and habitats associated with the cross timber's ecoregion down there in Woodson County. If you've been in commission meetings, he frequently referenced his love for whitetail deer, eastern wild turkey, and wood ducks and he's avid at pursuing all those things. We are confident that he'll continue to enjoy pursuing those species long into the future. Under Chairman Lauber's tenure and support we've had many notable achievements, together with the department. Let me mention just a few, cabins added to state parks, and innovative fishing regulations, which are always contentious. But Chairman Lauber and the Commission has really supported allowing our fisheries professionals to use their best scientific judgment to greatly improve fish populations, and angler satisfaction. We've made successful aquatic species reintroductions to areas where they were lost over time. The Becoming an Outdoor Woman program has seen remarkable growth and development, as well as development of the Kansas Bird Trails, innovations and improvements to Kansas higher education programs. Development of iWIHA. Very successful bolstering of our aquatic invasive species management efforts, increased access for our Hispanic and Latino constituents, with translated publications and area signage. Improving the processes for distributing licenses and permits to our disabled veterans, and lastly, to the establishment of our newest state parks, Flint Hills Trail, Little Jerusalem, and most recently Lehigh Portland. Those are just a few of the highlights that have all occurred during Chairman Lauber's tenure. In recognition for his 19 years of dedicated service, the Woodson Wildlife Area, Habitat Unit Number 12, will be renamed to the “Gerald W. Lauber Wild Turkey Habitat Restoration Unit” and we're developing the plaque for that dedication right now. This is a 367-acre unit of predominantly blackjack and post oak woodlands. What you're used to walking through. Staff are currently using prescribed fire and timber stand improvement to transition the unit to more of an oak savanna type ecosystem. Historically, the increase in plant diversity greatly improves the area to benefit wild turkey, nesting, brood rearing, and roosting habitat. Gerald has been a pleasure to work with, and a passionate advocate for the natural resources of Kansas. His presence on the Commission will be missed, and we will find nothing

more fitting than recognizing this new area as a testament to his dedication. So, Gerald, we have a plaque for you.

Deputy Secretary Stuart Schrag – Gerald, to go along with the Woodson dedication under your name, Sheila and I hand-picked this print for you, thinking it looks just exactly like Woodson Wildlife Area. We thank you for your service, sir. Thank you.

Chairman Gerald Lauber – I have enjoyed working with everyone here. It was an honor to work for this agency. I enjoyed for many years, but time to go.

Deputy Secretary Stuart Schrag – John Johnson is the manager at Woodson Wildlife Area and he and Gerald have become friends. It was his idea to change the name.

Break

C. General Discussion

1. Trout Program Regulations season length and permit prices – Bryan Sowards, fisheries division director, presented these regulations to the Commission (Exhibit N, PowerPoint Exhibit O). For the benefit of the commission, our new secretary and new chair I want to give you more information about program. Trout have been stocked since 1994. It is winter fishing opportunity historically starting November 1, but used to start October 15. Now November 1 to April 15. It typically provides shoreline bank anglers a chance to get out during the winter, as well as a chance to get outdoors. It is a put and take fishery, mortality occurs at 65-70 degrees, so they will not survive the summer. We sell about 10,000 to 12,500 trout permits a year. We are having this conversation to evaluate the program due to significant cost increases. In 2022, despite having four fish hatcheries we could not produce our own rainbow trout. We buy from commercial sources and have three contracts, one in Nebraska, one in Colorado and one in Missouri, producing our trout and money comes from WFF budget. One fish used to cost \$1.57 each, now \$4.50 each, so significant cost increase. In 2016, we saw a large drop in number of trout stocked, that was the last big increase. So, we decreased number stocked, now increase in cost again and we can't reduce the amount of trout stocked this time or it won't reach the constituents in the way we want to. We are looking for a unique way to address trout program, which is reason for this evaluation. That 10,000 to 12,500 permits sold each year gets us about \$140,000 in venue, but cost is going up and revenue is not. That was impetus for doing this trial program. The goal is to talk to anglers, get social aspect as well as fiscal aspect to help direct the program and inform more palatable solutions. We want to see if they are fishing, what time of the season, where activity fishing is occurring and see if people are catching versus harvesting. So, we did in-person interviews, Susan Steffen, our human dimensions specialist and social scientist and Jeff Conley, our trout program coordinator, created a survey. Our goal was 400 interviews last February. Field staff rallied around, and interviews were done, and we ended up with over 500 in-person interviews from 30 locations across the state. They did a good job at getting input from anglers across the state. One question was, are you fishing for trout, 20% were fishing for something else like crappie or catfish. The top preferred species were catfish, black bass and crappie, similar throughout the year. Even though they were targeting trout they preferred other things. We asked, compared to other types of fishing, how important trout fishing

was to them, 49% said important, 51% so no more important than anything else. If we went out this time of year and talked to walleye anglers, we would not get a 50/50 response. In terms of times during the trout season, the most popular fishing is in November, but January, February and March are when most of the activity occurs. The top motivations, like other anglers across the state, are getting outdoors and opportunities to go fishing and harvesting fish was only 3%. For recommendations, changes will minimally impact trout anglers, it highlights this is an opportunistic experience. We asked if we didn't have a trout program anymore if they would still buy a fishing license and 92% said they would. Catching more important than harvesting trout, which is a trend we have been seeing for a lot of species in the state. In response to survey, we truncated the stockings, cut season from December 1 to March 31. That is not in regulation but asking for that today. We cut the stockings to that shorter timeframe and are only doing three stockings, one in December, one in February and one in March. That brought our budget down from \$280,000 to \$200,000, an \$80,000 reduction in trout purchased. If maintain the creel limit of five per day, folks would say if trout a concern why not go to 2-3 a day limit, but like a lot of things very few catch the 5/day limit. We want to maintain the creel limit so the few anglers that catch 5/day get what they want out of the program. The wildcard to these evaluations, in response to making a dramatic cut to the program we wanted to work with Brody Latham on a marketing program, so could break even and not lose so many trout permit holders. He did some Instagram and Facebook targeted marketing. He looked at folks that have a fishing license but did not have a trout permit. He reached over 100,000 individuals 18 or 19 times. The jury is still out on permit holders this year versus last year. Brody assures me from December 1 to March 18, he saw 48% increase in trout permit sales and that is after \$80,000 reduction. I think some of the changes we made, and marketing was huge help for us. For future workshop sessions, the regulations will officially change the season in 115-25-14 to December 1 through March 31. That will be put on our signage. We will change fees in 115-2-1 to increase cost from \$12 to \$17.50 with \$2.50 fee it would be \$20 even. During the survey a lot of respondents mentioned they would be willing to pay more for trout. The cost of five fish creel limit of trout, 2011 was \$7.85, today 2023, around \$17.65, expensive, but can fish daily throughout the season.

Commissioner Cross – In the survey where people said they would pay more, what percentages did you get out of that? Sowards – It was not an official question, what they were willing to pay.

John Reinke – It was an open-ended statement. Commissioner Cross – Has number of trout producers been reduced? Sowards – There used to be more trout producers, supply is a huge problem. Wyandotte County, Us and Oklahoma are all going out for bids. Commissioner Sill – When was last time increase in permit cost? Soward - I believe in 2016 package, we increased a lot of things at that time. Commissioner Sill – What size are the fish you are stocking? Soward – They are 1.7 fish per pound, so, a three-quarter pound fish. Commissioner Sill – How much do they gain after stocked? Soward – They don't grow much after stocked. There are also bigger fish in the contract I think, 5% are bigger fish, two to four pounds. Commissioner Escareno – Are there age requirements for the permit? Soward – Age requirement is 16 and above, we have a youth permit for 12-year-olds, which is \$4.50, and we are not looking to change that.

Commissioner Cross – How many sites do you stock? Sowards – Around 30, some go dry, some have particular issues. Commissioner Cross – Stocked the same everywhere per acre? I talked to some trout anglers that fish Clinton, the fish went pretty quick. Sowards – Based on catch rates from 20-30 years ago. Some have higher catch rates, so we stock more at those. It is based on old information on catch rates. They probably did better at Clinton a few years ago but since big reduction in 2016 and reducing again this year, I bet they go pretty quick. Commissioner Gfeller – What is the end goal of program, besides introducing people to another opportunity? If it continues to be net negative fiscally, will you continue the program? Sowards – We will have to have that conversation. We stopped the bleeding for now, if trend continues, we will have to

have those conversations. The current goal is to provide additional opportunities for the winter for bank fishing to get out and enjoy the resource. Commissioner Gfeller – Is there any direct benefit to other areas of the department, or any other way to measure success? Sowards – We used to not have very many people fishing for crappie in our reservoirs, then when trout season started it was a way to boost that economic impact you see from angling in general. You have hunters out at that time of year too. Commissioner Cross – When trout dies, do they sink or float? Also, what kind of return do you get locally? Sowards – If they die, they sink. Good and bad, good because anglers don't see them, but bad because we don't know what we lost. We know we are spending "x" amount of money but what are we getting in return. You can go out in late April and early May some years and electrofishing and see trout come up, that means anglers didn't get them and you are about to lose them. That is one way to evaluate them. Some last until the third week of June. Commissioner Cross – Oxygen drives them into one area, and you can fish that area if you know where it is. Commissioner Sill – After the season is over you can catch with no permit required? Sowards – At almost all locations that is the case. After March 31, they will be fair game with or without a permit.

Deputy Secretary Stuart Schrag – Will you give a quick update on walleye collection. Sowards – Walleye spawning is happening across the state and this year we are collecting eggs and milk from walleye at Hillsdale, Wilson and El Dorado. Our field staff are out every day and sending that to Pratt and Milford Hatcheries to fertilize. They will hatch in 12-14 days, and we will either stock them freshly hatched fry or put them in hatchery ponds and grow them up to 1½ to 2 inches to stock as larger fish in late May or early June. Typically, from this effort we maybe get 1-3 million eggs a day, 50 to 80 million is our goal. At Wilson yesterday they got 11 million eggs in one day, so doing well. Brad Loveless – The same effort for sauger and saugeye, we typically do Perry or other far eastern reservoirs. A handful of them have sauger, which is a smaller more riverine, dark blotchy fish than walleye and we mix the two together. Soward – Take milk from sauger and eggs from walleye and make saugeye. That is getting more important every year.

2. Aquatic Species Recovery Program – Trevor Starks, ESS aquatic species recovery coordinator, presented this update to the Commission (online) (Exhibit P, PowerPoint Exhibit Q). Our program has been around a year now. There are a number of species listed in the Endangered Species Act from 1985-2020. More listed than removed from the list. When you total those up, there were 1,300 added, 64 delisted, 43 were delisted due to recovery of the species, the others went extinct, or data collection showed that the initial listing wasn't warranted. Those that have been delisted fall into two specific categories. The first is charismatic, larger bodied vertebrates, like the American alligator and humpback whale. Most folks are knowledgeable about the recovery of the bald eagle. The other category is smaller bodied, vertebrates, or invertebrates, with very localized endemic ranges. So, in the case of the Oregon chub or the borax lake chub, they have a small range where conservation agencies can pour resources to help recover the species. The gap between those two groups are smaller vertebrates or invertebrates with large ranges that typically don't get much attention when it comes to recovery. State agencies are stepping up to fill that gap and address those conservation

concerns. Alabama has an aquatic biodiversity center, the largest of its kind in the U.S., and they raise federal, and state listed freshwater mussel species to help recover those populations and get them delisted. Similar efforts are happening in North Carolina, Virginia, Colorado and now Kansas. Goals of our program is to reintroduce species into historic habitats where they have been extirpated where we believe conditions have improved enough to sustain them. The final goal is to raise a viable breeding population in order to delist and deregulate, and in some cases prevent listing in the first place. When dealing with any kind of federal trust species there are challenges. The U.S. Fish and Wildlife Service (USFWS) is the primary agency tasked with managing the species. Section 9 of the ESA in the Endangered Species Act is that it is unlawful to take such species, which is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing or collection, or attempting to engage in any of that conduct. I think about industry oil spills and things that would directly harm a listed species. If KDWP has best intentions in mind, for conservation effort or habitat, or managing a project and it leads to death of a species, we have violated the ESA. We address that through Section 6 of the Endangered Species Act, which dictates the Fish and Wildlife Service cooperate with state conservation agencies on work with listed species. If one of the survey crews comes across a listed species, they have to take location information, look at condition of the animal and take some measurements before they let it go. At the end of the year, we fill out the Section 6 report and send it into the Service. We are able to do our jobs and make management decisions. However, this does not provide any protection for private landowners that want to work with threatened and endangered species. With so much private land in Kansas that is why this is a problem. In Alabama they are there is 4,000 river miles and 63 water bodies, so they have public access to work on recovery of mussel species. Kansas has 2% public land, 700 public river miles on the Arkansas and Missouri Rivers, however 200 river miles are typically dry each year. We are partnering with private landowners. That is where the Kansas Aquatic Species Conservation Agreement steps into place. This is a joint effort created by an ICF, a consulting firm with ecological services staff here at KDWP and USFWS. This was published in the federal register in 2021 and is the first document of its kind in the nation. North Carolina has a similar agreement. What the agreement allows is for us to pursue reintroduction activities with listed species and provides legal protections to private landowners. Typically, when you see agreements like this they are in small areas, for one or two species. This agreement allows us to work with, after the last amendment, 21 species, which are 10 mussel species, 10 fish species and one reptile, the alligator snapping turtle, and we can pursue those efforts across the entire state. The first step is enhancement of survival permit, referred to as a 10-a-1 permit, which allows KDWP to work with a species as long as we are providing net conservation benefit. For example, we want to stock 100 mussels at a site and five die during transport or stocking efforts, we technically violated Section 9 of the ESA, but because 95 were stocked we provided a net conservation benefit. Through this conservation agreement, we can pass those protections along to a private landowner through signing a certificate of inclusion. We sign the landowner up in this voluntary enrollment is covered for incidental take of any legal land use occurring on their property, like farming and ranching and covers non-farming efforts like logging or building a building. They are covered for any incidental take of a listed species. In return, Kansas is allowed access to the property to stock animals or survey or monitor the species. This help alleviate regulatory burden during listing decisions. Sometimes the USFWS are considering listing a species and considering critical habitat designation if state is already taking proactive conservation efforts, they forego that regulatory burden. If the landowner wants to do something different on his property that wasn't in the initial agreement, we can easily amend it. We are not going to access the property without notifying the landowner first. We can change the scheduling and can add or remove species from the agreements and the landowner can terminate the

agreement at any time but must allow KDWP to remove any species stocked within 60 days. Animals come from the Kansas Aquatic Biodiversity Center at Farlington Hatchery in southeast Kansas. This facility was constructed with intent to propagate animals imperiled in Kansas for restocking. They have propagation systems for both fish and mussels. They have raised 25,000 mussels and 2,500 fish to date. We work with the Plains minnow, which was state listed as threatened in 2003, it occurred in every Plains stream in the state but only persisted in Salt Fork of the Arkansas River and the Cimarron River. We think there are some areas where we could reestablish some populations. In 2022, ecological services staff collected 154 adult plains minnows from the Salt Fork of the Arkansas River and were able to raise 2,508 plains minnow that were released on the Arkansas River at Oxford and have future stockings planned in the Arkansas River watershed. The following spring the sampling crew collected four adult plains minnows on the Arkansas River below Lincoln Street dam. These species did not occur in that portion of the river for the last 15 years, because of size, we knew they were from that stocking. That doesn't mean there is a reproducing population, but we know they can persist and that gives us hope. Another species we were working on is the Neosho Mucket, a freshwater mussel listed as endangered in the state in 1993 and federally listed in 2013. The USFWS national hatchery at Neosho Missouri had a bunch of Neosho mucket on hand, whose parents originated in Kansas. We signed our first landowner agreement under the program with two landowners to release half of the mussels last year and we will do a qualitative survey to document persistence and if still persisting we will stock the other half. We are also pursuing a recovery permit from the USFWS to pursue propagating a listed species out of the state hatchery. We have a recovery permit and have submitted our application to start raising Neosho muckets to repopulate the Neosho River starting in 2025. We brought in brood stock of kidneyshell from KABC to help repopulate Neosho watershed. We also have a couple projects coming up with Missouri State University and Pittsburg State University.

Brad Loveless – We understand the protections for the landowners that agreed to have critters on their property, what happens when they expand? Can you offer protection to the neighbors where they might expand? Starks – We have a neighboring landowner agreement under the program if a neighbor wants similar protections but does not want to allow stocking or KDWP on his property.

D. Workshop Session

1. KAR 115-25-7 Antelope; open season, bag limit and permits – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit R). No changes to recommend. Waiting for aerial surveys to determine permit allocations. Proposing to leave allocations the same as last year, so no changes. We won't bring this regulation forward again.

2. KAR 115-25-8 Elk; open season, bag limit and permit – Matt Peek, furbearer research biologist, presented this regulation to the Commission (Exhibit S). One change, elk doing well around Fort Riley and damage issues are occurring around the Fort. One of the concerns about increasing allocations is the Fort has limited space, worried about getting too much hunting pressure on the Fort itself. The elk permits are once-in-a-lifetime permits, and we

want to provide a high-quality hunt associated with that. We are looking for ideas to increase harvest without creating excessive pressure. We want to recommend establishing an additional firearm season on Fort Riley from January 1-31, 2025, no over the counter but would be open to all unfilled Fort Riley permit holders. It would basically be an extra month during the season. It is hoped that this season will result in the harvest of a few more elk and create a little more flexibility in dealing with elk coming off the Fort. We are not proposing any change to the permit allocations, which is 12 any elk and 18 antlerless elk. Durable seasons are now established in this regulation, so we won't have any change to that. We would like to move this regulation forward to the promulgation process. At the last commission meeting Commissioner Sill asked about the number of nonresident tenants permits that were issued for elk. It is 27 per year, average for three seasons. That is out of a total of 180 elk permits, so about 15%. Commissioner Sill – What is success rate on Fort Riley. Peek – Usually over 75% and for antlerless it is closer to about 50%. Antlerless permit holders are split, one third of them hunt each month of the season, October, November and December, any elk holders can hunt all three months. Commissioner Sill – The rationale for the extended season is for unsuccessful hunters versus providing an opportunity for a separate set of hunters? Peek – We are cognizant of amount of pressure on the Fort, we could have issued another antlerless permit each month, and we may do that at some point, but right now we would rather keep hunting pressure a little lower and keep hunters on the Fort at one time, lower. We hope the hunters there can achieve higher success rate by giving them more time, especially antlerless hunters who only have 50% success. A number of them are looking for places off the Fort to hunt, if they can get access to private land. There are hunters still willing to hunt if they are able to. Commissioner Sill – I am still misunderstanding something. Hunting pressure to me means people hunting at one time but if you add additional dates it's a different group of hunters and you don't have more people at one time hunting. You are not increasing allocations, so that would not increase pressure at the same time as those other seasons. Peek – Not considering different allocation for January season. The Fort has a lot of intermittent restrictions and limitations on where you can hunt. That is why we do a three-month season, we don't have equipment restrictions, it is firearm so can use any equipment. In some years the Fort may be closed in October, so additional complications related to the Fort. Move to promulgation process.

2. KAR 115-25-9a Military deer seasons – Levi Jaster, big game coordinator, presented this regulation to the Commission (Exhibit T). We typically bring this regulation to public hearing in June. Delay dates as long as possible for military facilities. They may have changes due to training missions, etc. They can hunt under statewide regulations, but usually want some additional or changed dates. Fort Riley, in addition to regular whitetail season, they want additional antlerless season November 29, 2024, to December 1, 2024; firearm season December 14-22, 2024. I have a correction in the briefing book, where it says the deer hunter only use one white-tail antlerless permit, strike that. They have requested five white-tailed antlerless-only permits. They are trying to increase antlerless harvest on the Fort. Fort Leavenworth is requesting firearm season from November 16-17, 2024; November 23-24, 2024; November 28, 2024, to December 1, 2024; December 7-8, 2024; and December 14-15, 2024. Same number of days, adjusted on calendar. They would like to participate in the extended firearms longest season January 1-19, 2025. The extended archery season for antlerless-only white-tailed deer will be January 20-31, 2025. Smoky Hill is requesting firearm season from December 4-15, 2024, which is the same as the statewide season. They also want the five additional antlerless white-tailed deer permits. Differences are to accommodate training issues and provide additional opportunities to deer hunt those subunits.

4. Carcass Movement Regulation – Levi Jaster, big game program, coordinator, presented this update to the Commission (Exhibit U, Draft proposal Exhibit V). We had to define some of the terms we use, from legal standpoint and define what a carcass is, as well as a wild cervid. Because the Department of Ag already has a definition for captive cervid we wanted to make sure it didn't cause any unintentional overlap, wild cervid versus captive cervid. The rest is similar to what we talked about. We discussed the 30-mile buffer around units and being able to move carcasses outside of a unit. After talking to law enforcement staff, we decided it was not a workable option, so have stricken that. We felt the large list of exempt parts that can be moved helps make up for that. Notable changes, such as hides, before had to have the excess flesh removed, now the hides can be attached to the carcass as long as head and spine are removed, which are parts we are most concerned about. They still have to maintain proof of sex as required 115-4-2. There are several options, with quarters you can leave part attached with genitals left on. You can use the harvest reporting through the app to maintain your proof of sex. If you wanted to grind it all into hamburger out in the field, you could. Chairman Lauber – Is 30 miles in or out? Jaster – Out. Commissioner Sill – What about someone who wants to take their skull home and do their own European mount? Jaster – They could clean it on site. Some states have asked them to power wash them to remove the brain matter. Some folks boil it on site. It is tougher if you just want to throw it in the truck and go. We are trying to prevent brain matter from being distributed. Commissioner Gfeller – What about the 72-hour part, why not apply to f, g and h, and others? Jaster – If going to taxidermist and done that much work, they have still maintained problematic materials in that. With the head and cape, with six inches of neck, if somebody takes the trouble to do that and taking to taxidermist. What happens to the waste is potentially the problem. Commissioner Sill – That is what I struggle with, the difference between the taxidermist doing the European mount and doing it myself. Jaster – Difficulty with regulation is to regulate movement. Or do you regulate the waste. That is the problem. The taxidermist is like to have better waste disposal. Commissioner Gfeller – The taxidermist can be anywhere, and you've got 72 hours for contaminated part of the animal to be moved all over the place. So, why wouldn't you have some type of exclusion for uncleaned skulls? Jaster – If going to a taxidermist it could fit under that. But again, the regulation is designed to change people's behavior more than anything else. Discussed with other states and I can talk to Dan about that. Commissioner Gfeller – I am not suggesting that but trying to reconcile. Commissioner Sill - We will need to do a lot of public education about best practices too. Some still want to butcher their own but don't want to contribute to the problem. Public education is going to be signification. This change is significant. Jaster – We have already discussed putting together a video on gutless dressing methods, and what different exceptions mean and what would be okay. Law enforcement staff identified a lot of that type of stuff. Commissioner Sill – What is penalty for violating this? Colonel Kyser – I don't have an answer to your questions, we have not discussed penalties. Jaster – This is a different regulation than others. In some cases, not sure how that all fits. That is why this is still in draft. In looking at other states, they are all over the place and it is officer's discretion. Colonel Kyser – It is too new, and we don't know at this point. Commissioner Escareno – Who is going to monitor the taxidermists? The regulations are somewhat clear but the training or certifications the taxidermist receives, how are they going to update their licensing to make sure they are doing things properly? Jaster – We don't regulate taxidermists; it would be

up to them. It would be the ability of officers to follow up. Some states have different systems on how they do it. Look at that and see what we have the ability to handle here. Addressing the need of addressing carcass movement concerns. Commissioner Escareno – If a person being held accountable for what they do, why is taxidermist not held accountable? That is not fair.

5. Webless Migratory Bird Regulations – Tom Bidrowski, migratory gamebird manager, presented these regulations (Exhibit W). Federal framework is similar to process for waterfowl seasons. However, unlike waterfowl, stability in the frameworks allows us to include webless migratory game bird seasons and limits in permanent regulations. For the 2024/25 season there are no changes. A summary of seasons and bag limits is provided in the briefing book. Unless there are commissioner instructions this will terminate the need to discuss these any further. Chairman Lauber – Should we promulgate to move forward. Bidrowski – There are no changes, so we won't need to discuss these any further.

6. Waterfowl Regulations – Tom Bidrowski, migratory gamebird manager, presented these regulations (Exhibit X, PowerPoint Exhibit Y). There was a correction in the briefing item, and I will highlight those. The U.S. Fish and Wildlife Service (USFWS) annually develops frameworks from which states are able to establish migratory game bird hunting seasons. These frameworks establish maximum bag and possession limits, season lengths, and earliest opening and latest closing dates. States must operate within these frameworks when establishing state-specific migratory game bird seasons. Waterfowl seasons are set different than resident game, as well as other migratory species. They are adopted via set regulation instead of being adopted by a set regulation. They are adopted by commissioner consensus. This is due to season variability in later timeframe which seasons are addressed. Kansas adopts the seasons through its annual season through letters send to the USFWS on May 1. The briefing item has a summary of the frameworks from the previous year. In 2021, Kansas incorporated a decision-making tool to assist in the season setting process by identifying important season date parameters for each of the waterfowl zones. This process is to develop season selection, stability, reduce bias and add transparency in the season, date and selection process. Staff recommendations were included and are similar to the previous year. Staff recommends nine days in the high plains, beginning the third Saturday in September, and a 16-day season in the low plains beginning on the second Saturday of September. The different in the days is due to the additional 23 days afforded during the 74-day general duck seasons of the high plains and the 107-day restriction in the Migratory Bird Treaty Act. Staff recommendations are two consecutive days for youth, veterans, and active military and that they are held one week prior to the general opening seasons in each of the duck zones. Staff is incorporating instruction, decision tools, and to assist in removing bias and stabilize season date selections and review migration patterns, harvest hunter activity, habitat conditions, weather patterns, holidays, hunter surveys, and hunter communications. Staff believes this structure provides the best overall opportunity for the varied waterfall hunting in Kansas. In the briefing items are the staff recommendations for season dates. Goose recommendations are similar to the past seasons, and we are continuing with the recommended six Canada goose bag limit. The correction in the briefing item regards the closing date of the white front, dark and like goose season, February 16, not February 9. Again, that also would open the split for the dark, and light goose seasons consistent with the past season. Staff recommend a 15-day falcon season in Kansas in the Low Plains Zones, due to the Migratory Bird Treaty Act restrictions does not allow any additional hawking days in the High Plains Unit. Kansas Migratory Game bird season selections are due to the USFWS by May 1. Commission action will be required at that time. Commissioner Sill – When was last year the waterfowl survey was done? Bidrowski – In 2019. We will also be looking at zone, to redefine it in the next

couple of years. There will likely be a survey coming out late this fall. Before 2019, had survey in 2014 and almost annual survey and were seeing survey fatigue. At this time, we will probably look at revisiting surveys. Commissioner Sill – Will that survey look back at past seasons or more? Bidrowski - Request for the future preferences, what changes we will see in duck zones and likely season dates. Commissioner Sill – I recognize survey fatigue you have to deal with. You want responses for accurate information. Is it enough time to have updated information? Commissioner Sporer – Would it be possible to ask in the survey if everyone is happy with the Canada goose six bag limit? Bidrowski – We asked that in 2014 and 2019 survey. A couple different ways to look at it, in 2014 about the same, in 2019, six bag limit was common. There are pros and cons of going to more limited or restrictive than the federal frameworks would allow. Canada goose harvest is our main way to maintain resident populations, not only in Kansas but in the Central Flyway, so it is an important management tool. Things like hunter satisfaction are rolled up in that as well as season dates. There is a lot of preferences. This is for commission consensus at April meeting, no vote required.

7. Pending Regulations (Exhibit Z) – Chairman Lauber – These have been heard many times, no presentation on them. Terry Bruce, legal counsel - Nothing to add, these are somewhere in the process, either Department of Administration or Attorney General's Office being looked at.

- K.A.R. 115-7-3, 7-2, 7-9, 7-10 Aquatic Invasive Species Regulations
- K.A.R. 115-17-3 Commercial Fish Bait
- K.A.R. 115-30-4 Fire Extinguishers; Requirements
- K.A.R. 115-25-14 Fishing (Reference Document)
- K.A.R. 115-2-3 Camping, utility, and other fees
- K.A.R. 115-8-1 Public Lands regulations (Reference Document)
- K.A.R. 115-8-26 New Public Lands regulation (Reference Document)
- K.A.R. 115-4-4 Big Game equipment

VII. GENERAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Marty Birrell – I'm a biologist currently working with the black-footed ferret recovery program here in Kansas. We conduct the surveys annually in the fall, we look for black-footed ferrets, survivability, reproduction and distribution on our 10,000-acre site in Logan County. This site was established in 2,007, and we've been able to demonstrate its success as one of the 34 sites across western United States over the last 16 years. I'm a member of not only that group, but the national black-footed ferret recovery implementation team as an outreach subcommittee member, and also with the science and conservation team. We have seen how other states have developed working plans that help support their black-footed ferret recovery sites. All recovery sites across the western United States are administrated by the U.S. Fish and Wildlife Service (USFWS) and states like Wyoming, Colorado and Utah have contributed their efforts toward their sites by developing management plans and working teams that help support the site through the use of their biologists and other stakeholders within their site to tailor their goals. We don't

have such a plan here in Kansas. and although Kansas is listed as a stakeholder in this program, we're not seeing the kind of material support that we could use for our site in the form of help from the departmental biologists for doing habitat assessments, periodic density studies, assisting with surveys, or making requests on allocations of release of new ferrets on the site. Landholder incentives and communications, which is a big thing to alleviate the concerns landholders have if ferrets stray onto their property. So, understanding that the safe harbor agreements that are in place on these sites protect landowners from a ferret being killed on their land. So, all of these are the functions that states can and do take over by establishing these management plans. I have a few copies of ones from Colorado and Wyoming to look at. We could really use that kind of support. The personnel and the USFWS are stretched across 34 sites across the U.S. and are limited in their personnel and budgets with having to support all 34 sites. Additional support by the state of Kansas would be of great benefit to the recovery of our site. As a member of that survey team, we were able to identify 30 ferrets. This is not a census, simply an overview of the ferrets that could be caught. We can document reproduction and document that the ferrets are distributing the property. One of the benefits of our site here is that we are the only one of the 34 sites that has never documented plague, which makes it a very interesting site to the USFWS. So, we're asking for that kind of material support. If a management plan can be developed or included in the management plans of other endangered or threatened species here in the state, it would be of great help. We really need the help on and support from the department on surveys. Last year we had nobody from the department attending our surveys except on their own time. I've been with the program now for 15 years. Commissioner Sporer – Are you putting more ferrets out? Birrell – We released 11 last year and the year before, 23. The data we collect on surveys contributes to the decisions the USFWS makes on how many we need. The other data we need collected is the prairie dog densities and habitat assessment. There is not enough money to contract a person to do that. If biologists have time and can make it to our site that would be great, having that data available allows survey teams to concentrate efforts finding ferrets. Surveying involves all night every night, volunteers spotlighting, so labor intensive. We have 33 volunteers and were able to establish good data for the presence of ferrets. The USFWS determines how many get released based on data collected. This is breeding time for ferret populations at Conservation Centers, we get our ferrets from them. The better our data, the better off our requests are to get ferrets. Commissioner Lister – I am in favor of working group or some type of support on this. Chairman Lauber – We will take it under advisement.

Mitchell Moorehead – I have enjoyed the public lands of Kansas for years and fell in love with the outdoors. After growing up a fisherman, I transitioned to waterfowl as my primary use on public lands. I want to raise a couple of questions on entry time for wetland access. As an avid waterfowl hunter, I see the 5 a.m. entry time causing more issues than it fixes with pressure using the land and causing potential safety concerns towards end of season. This removes a Kansas residents open ability to access public land for the purpose of hunting. It seems unfair to those who put in more time scouting for the best possible spot. Having to resort to racing out to a site at 5 a.m. is less than ideal for those who want to go early and set for a successful hunt. Second, what is the plan to distribute this regulation to hunters and enforce these regulations? I don't foresee this being easy for law enforcement to enforce and potentially unenforced. The impact will be negative on those who play by the rules and wait until legal time of entry. Leaving those outside the wetland short of a hunting spot or positive hunting experience. Last concern is safety. What happens to waterfowl hunters looking to hunt those areas when freeze occurs? At 5 a.m. it is 30 minutes before sunrise is not enough time to safely navigate frozen water and create an area of open water within the wetland for purpose of hunting. This is an inadequate amount of time to establish a hunting blind in really cold weather. I also feel this could incentivize folks to set up

on top of each other if limited naturally open water exists potentially creating unsafe hunting environment with firearms being discharged. I know it has been enforced at Neosho and now it is spreading to other wildlife areas. I foresee this being potentially detrimental to the enjoyment of great public land hunting opportunities. Can anyone elaborate on that? Stuart Schrag, Deputy Director – That has been implemented at Neosho for several years and is successful. The reason we proposed at other areas is we are combatting issues of hunters setting up at 2 a.m., camping overnight and monopolizing those areas. From a law enforcement and public land staff standpoint they have been successful enforcing that at Neosho. Waterfowl use and harvest has increased because of these restrictions. People were going in all hours of the night and hazing ducks off the water, and this gives the ducks more time to rest throughout the night. There are several reasons why it was implemented at Neosho and been successful there and that is why we are looking at other properties. Safety-wise, it has been a free for all in the middle of the night too, you walk in and basically end up in people’s laps. Having this set time where everyone can access at equal intervals, we feel is a benefit. Brad Loveless – I remember talking to folks at Neosho, they said everybody lined up and in 20 minutes everybody is on the water and ready to hunt, so they impressed at how organized it was. They were impressed with the hunters and quickly get on the water.

VIII. OLD BUSINESS

IX. OTHER BUSINESS

A. Future Meeting Locations and Dates

Sheila Kemmis – Discussions ongoing with legal staff about doing away with August meeting. It doesn’t specifically say we need to have seven meetings a year and (with the) new format, we need to look at the schedule and the way items are promulgated. We used to hold meetings according to when a certain regulation had to be passed, but things aren’t going that way right now.

April 25 – Salina, K-State Campus, College Center Conference Room, 2310 Centennial Rd

June 20 – Hays, Hilton Garden Inn & Convention Center, 221 W 43rd St

X. ADJOURNMENT

Adjourned at 3:06 p.m.