

**Kansas Department of Wildlife and Parks  
Commission Meeting  
Thursday, October 3, 2024  
Wyandotte County Historical Museum  
631 N 126<sup>th</sup> St, Bonner Springs, KS  
including a  
Virtual ZOOM Meeting Option**

**Approved** Subject to  
**11/21/24** Commission  
Approval

The October 3, 2024, meeting of the Kansas Wildlife and Parks Commission was called to order by Chairman Whitney Damron at 12:06 p.m.

**II. INTRODUCTION OF COMMISSIONERS AND GUESTS**

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

**IV. APPROVAL OF THE August 29, 2024, MEETING MINUTES**

Commissioner Will Carpenter moved to accept the minutes of the August 29, 2024 meeting, Commissioner Emerick Cross second. Approved. (Minutes – Exhibit B).

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

*No changes, using revised agenda sent out.*

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

**V. DEPARTMENT REPORT**

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

**1. KAR 115-25-8 Elk 25-Series Regulations (temporary regulations – permanent regulations still pending)** (Exhibit E) - Kurtis Wiard – The next two items are temporary regulations. We have permanent regulations that are still pending, which will come up for a vote in November. We ran these through in case permanent regulations were not in place by start of the season. The elk season permanent regulations will be in place before that season begins in January.

**Commissioner Warren Gfeller moved to approve KAR 115-25-8 as presented to the**

**Commission. Commissioner Bruce Riedl second. (Exhibit F)**  
**No individual roll call was taken, all approved.**  
**The motion to approve KAR 115-25-8 passed 7-0.**

**2. KAR 115-25-9a Military Deer Seasons (temporary regulations – permanent regulations still pending) (Exhibit G) - Kurtis Wiard – Continued from previous item. The military deer season will overlap, 2 ½ weekends before the permanent regulations are in place.**

**Commissioner Emerick Cross moved to approve KAR 115-25-9a as presented to the Commission. Commissioner Warren Gfeller second. (Exhibit H)**

**No individual roll call was taken, all approved.**  
**The motion to approve KAR 115-25-9a passed 7-0.**

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

Margaret Kramar – Hidden Hollow Farm. Today I am here to testify in support of the ornate box turtle, the Kansas State reptile. Specifically, I am here to advocate against turtle possession and turtle races. I provided information by Dr. Benjamin Reed, a biology professor at Washburn University, who has devoted his career and research to box turtles. All the evidence that I present comes from him and I echo his sentiments that although the position possession limit was reduced from five to two, it needs to be reduced to zero, because possession is harmful to the species. If turtles are confined in a tub or box in somebody's house. they can't reproduce to perpetuate the species. They're not getting their normal diet which isn't healthy for them. They cannot engage in their customary activities. They exhibit in their home territories further and are a real problem with illegal wildlife smugglers and traffickers that are trying to get these ornate box turtles to send to Asian markets. Many people have kept them as pets and held turtle races at county fairs, with negative effects on the turtles. The activity is stressful. Also, they can transmit deadly viruses to each other when contained in such proximity. The ornate box turtle is philopatric, which means that it is attached to its home territory if they are not released exactly where they were found. They'll wander long distances trying to get back to their home territory, The collection of larger numbers of turtles in one place is another bonus for illegal smugglers. It's my understanding that the rationale of Kansas Wildlife and Parks, a few years ago, was for not eliminating possession in turtle races. Was that because you felt you had to compromise with the public? You owe nothing to people who are harming the species. As commissioners you are charged with protecting Kansas wildlife. you owe nothing to people who are harming the species. Instead, it is your job to educate the public as to why turtle races are not good for turtles. I trust that you will take your appointment seriously and strive to implement the best practices for Kansas wildlife. Thank you.

Commissioner Gfeller – How big a problem is smuggling? Kumar – Don't have that data but there are sources out there that could answer that question. Deputy Secretary Schrag – LE is online if he wants to chime in. They spend a lot of time on illegal trade. I didn't realize the depth of this illegal trade myself until a few years ago. This is something the department actively works on and law enforcement coordinates with ecological services section on that. Colonel Greg Kyser – There have been cases in Kansas and special investigators have worked cases with the U.S. Fish and Wildlife Service. We have seen that problem, but I cannot comment on active cases.

Tad Kramar – Big Springs – I just have two points I wanted to emphasize on the turtle question. One is the main issue is not whether box turtles are declining in Kansas. Let's not wait to confirm that, since the species is being harmed by poaching and other actions, let's take action now to stop the harm the best we can. Second action is to protect the turtles, which will inevitably meet with some degree of resistance from some people. We ask that the department to help educate the public on the harm that certain actions have and the need to protect our state reptile. Thank you.

Kevin Couillard – We'll be talking about big game regulations today, and we really can't talk about big game regulations without talking about CWD. I'm a lifelong deer hunter. Billy Cox and I were the conservation officers that opened the lake at El Dorado back in 1984. I'm a retired natural resources professional with a degree in natural resources management. I enjoy the outdoor adventures associated with hunting and fishing, and I like to harvest process and prepare my wild game for the table. I do not represent any organization or special interest group, I'm just a concerned hunter and outdoors person. I was reading through the Kansas Department of Wildlife and Parks hunting regulations and a couple of items caught my attention. The information provided concerning the spread of chronic wasting disease in Kansas. Two specific items listed in the regulation piqued my curiosity. Slow the spread, hunters are advised. Hunters are advised to bone out meat in the field to avoid transporting infected carcasses to other areas. With this surgical removal of lymph nodes in the neck and removal of the brain stem are required for testing and should be done in the field if possible. Electronic deer check-in is required. If your deer or deer meat is to be moved from the point of kill. If the carcass and head are left in the field, proof of sex must be attached to the meat. The second item was eating the meat. and this is from the regulations. At this time there is no definitive evidence that CWD has been transmitted to humans. But evidence is suggesting the risk to humans is not zero. Due to this uncertainty hunters should not eat meat from animals known to be infected with CWD. So, when I read that I decided I need to know a little more information about CWD, to see what I can do to meet these recommendations and reduce the spread and assess the risks to myself and my family. What I found out folks was alarming. If a person or the media would have told me this information, I would not have believed it. I don't expect any of you to believe all the things I say through this program. It's too disturbing to be believable. Please research CWD and TSE for yourself. I have attached a list of sources where you can get some information where I got my information. The first thing is, why haven't you told us the truth about CWD? Why didn't you tell us that CWD is just an acronym for chronic wasting disease, which is just a nickname given to the real deadly disease. A form of transmissible, spongiform encephalopathy (TSE). Why didn't you tell us that TSE is a deadly neurological disease that kills sheep, goats, cattle, whitetail deer, mule deer, elk, moose, caribou and occasionally other assorted animals and humans? Why didn't you tell us there's no natural immunity. no vaccine, no cure, and it's always fatal. This is important basic information to share with hunters like me that love wild game and share it with their family and friends. We got a lot of skin in this game. The disease was first observed in a captive herd of mule deer in Colorado in 1967, it likely originated at Fort Collins, Colorado, research facility. Wild mule deer were captured and kept in pens to be studied. The researchers were trying to determine what types of food could help the wild mule deer survive a harsh

winter. A few years down the road, some of these deer started showing signs of physical wasting, resulting in some deaths. The researchers did not know the cause, so they released the remaining deer back into the wild, hoping they would recover. The research biologist named the unknown illness chronic wasting disease because of the way the dying animals wasted away. The pens where the deer were held had previously held sheep with scrapie, which were being studied. Scrapie is the TSE found in sheep and goats, and it's been known for the past 300 years. Scrapie was the nickname given by the 1st people that observed this illness, because the sheep that were dying would sometimes scrape their wool off or lose big patches of it. It is also always fatal, with no cure or vaccine. Subsequent studies of tissues from the deer that had died in these pens indicated the presence of prions that change normal proteins in the cells of the animals over time. These abnormal proteins accumulate in the lymphatic system and central nervous system causing degenerative dementia, lack of control and a wasting away death. In 1977, CWD was determined to be a transmissible spongiform encephalopathy (TSE). Was found in captive herds in 1979. In 1981, the first wild cervid infected with prions was found wasting away and was diagnosed with TSE. It was a wild elk found in the Rocky Mountain National Park. In the following years more animals were found within a 50-mile radius of the Fort Collins research facility. In 1985, it was found in the wild in southeastern Wyoming. In 1999 it was found in the wild in Nebraska. The first death by TSE was found in Kansas in a captive elk in Harper County, in 2001. That was 23 years ago. Now it's been found in captive herds and wild deer across Kansas, across the United States, across North America and the world. As of 2024, dead deer with TSE have been detected in 32 states, four Canadian provinces, Norway, Sweden, Finland, and South Korea. As you can see by looking at the Kansas Department of Wildlife and Parks maps, positive CWD detection continues to spread across our state. So why have you done nothing, or why have we done nothing to stop or slow the spread in 23 years? Dead deer, tested and found to have died from TSE in several hotspots, in some far-flung states and other countries can be attributed to the transport of prion infected deer by humans. So, we're the ones that are moving it around all over these places.

Chairman Damron – Mr. Couillard, if I could interrupt just for a second. We appreciate the extensive information you've brought to us here. It is a little more extensive for public comments than we've seen before. I will have Sheila to provide this to all members of the Commission. I would ask you to summarize just a little bit rather than reading this all to us. But I do appreciate your passion. I'm not trying to make you stop, but I will.

Couillard – I would like you to know that I drove 4 hours this morning, just like you guys did, to get here. And I got a 4-hour drive home, and I spent \$50 in gas. I've been working on this for a few weeks, so if you can indulge me another 10 minutes I can finish up.

Chairman Damron – That is fine. Thank you.

Couillard – The reason for this is because nonresident hunters take their trophies home. Some hunters take their deer heads to taxidermists. Most hunters take their deer to a processing facility. Deer and elk ranchers transport infected deer and elk across the country. Caribou ranchers, transport infected animals around the world. No, it doesn't affect Kansas, but it is how it gets to Finland and all over the place. So why haven't we stopped the transport of deer from known areas that have TSE or CWD? Why haven't we required quarantine and prion testing of all deer harvested in areas known to have CWD. Why haven't we required mandatory quarantine and prion testing of all heads taken to taxidermists in Kansas? Why haven't you insisted on quarantine and testing of all captive deer in Kansas? It's known that the prions that cause TSE can easily be carried with frozen semen, antlers, and meat shipped around the world. Why haven't you insisted on double fencing of captive herds to prevent the spread of prions to wild deer? And I guess the big question is, why haven't you told someone there needs to be a lot more noise about this. TSE is always fatal. So, just a little bit about prions, because I don't know if

everybody knows about prions. But prions are small, smaller than a virus, they're so small that they are not detected by the immune system. That's why there's never going to be any natural immunity. They are so small. they go through your dermis, through your skin, because they're small enough to go between the cells of your body. That's how they get into your skin, in your body and your brain. They move between the cells, they attach themselves to proteins, they're carried throughout the body. They are in every part of a deer's body, every part, they're not easily destroyed or denatured. Research has shown that prions persist in soil, leaves, grass, and on any surface, including stainless steel, for upwards of 15 years. They can be ingested, inhaled, or transferred on contact. Prions are transferred from adults to young before birth. Prions cannot be destroyed by cooking or freezing, or by normal sanitation practices. Irradiation has no effect. So why haven't you told us about prions? This is not new information or secret information; this is public information from published and peer-reviewed scientific studies. Slowing the spread. So, Kansas has been testing dead harvested deer for the presence of TSE for the past 20 years. Your own data shows that dead deer with TSE are spreading across our state. Testing for TSE and dead harvested deer during the hunt season only samples a small minute fraction of infected deer. Most infected deer die anytime between one and a half and four and a half years after being infected. Once TSE affects their brain, they die quickly and year-round. Common sense would indicate that any deer that lives where dead deer have been found to have TSE carry the prions that will also cause them to die. So why aren't we testing all dead deer for prions instead of TSE? Why are you not asking hunters to test all harvested deer for prions? Prion tests are available right now. Hunters can order a test kit. Online samples are easy to take, since you only need to send hair or hide, or meat or blood, no more cutting the head open, digging the brain out in the field or wherever you're doing it. So why haven't you told us about this testing? It's cheaper, faster and much easier. I am going to read this part because it has to do with the regulation that evidently was passed last year. Your suggestions that hunters bone out their harvested deer in the field is too little and too late. As I read through this suggestion, I quickly realized that this was written by persons who have little deer hunting experience. How many people, number one bring their phone, or have phone service for onsite registration? If you don't and you bone out your deer, it's a violation. How many deer hunters are going to carry headlamps, knives, shoulder length gloves, plastic sheeting, a full disposable hazmat suit, game bags and eye protection, just to bone out a deer in the field after they sat all day or part of the night or half of the night. If you all deer hunt you know deer hunting can be a whole lot of things. Then how many are willing to bring a dissection kit and sample, or and a sample kit, to the point of kill, so they can remove the head at the first vertebrae, locate and remove the lymph nodes, use a grapefruit knife to dig out some of the brain stem. This is what it teaches in the video in case you haven't watched what the department put out on how to take a sample. This is how we do it. You cut the deer's head off out in the field, evidently. and then find the lymph nodes underneath the esophagus, and then take a grapefruit knife and dig into the brain to get part of that brain stem. How many people do you think are doing that right? And then you got to fill out a form. Put it in a bottle, and the forms are made out of paper. They're in in here with all this stuff. and then don't forget that you have to leave the sex organs of the deer on the boned elk meat. Otherwise, you can't move it, and you've violated the law again. This is the crazy. This new regulation about leaving the sex organs on the meat. It's so ridiculous that it's insulting. Few Kansas deer hunters have the desire or ability to

butcher a deer in the field and end up with something fit to eat. Kansas has no other big game regulations requiring proof of sex of a deer harvested. The laws were written, and the deer tags printed, requiring proof of antlered or antlerless deer, only requiring hunters to leave the nasty sex organs attached to the meat is not in line with Kansas law, or of any great value, since deer of either sex can be antlered or antlerless. In fact, if you look at the department's data during the antlerless season, from one-fourth to one-third of all the deer harvested in the antler's season are bucks. So, a third of those people are going to be bringing out meat with a scrotum attached, but there's no violation after they get out with it. Because it says antlerless, it doesn't say it has to be a buck or a doe, a fawn doesn't have any antlers and that's what a lot of them are that get killed. You can get rid of that regulation about the sex organs being attached, it's completely useless. Doesn't help anybody, and it doesn't do anything except make it harder for anybody doing this process out in the field. The thing that makes all this most ridiculous is because we now know that prions cause TSE. And they're in every part of the deer. So, when we move the meat, the blood and the hair on our clothes and on our boots, and on our equipment to our vehicle and take it home. We're transporting and spreading the prions just the same as if we took the whole deer. Most Kansas deer hunters take their harvested deer to processing facilities to be skinned, butchered, and processed into sausage sticks and jerky. People probably shared some with you at work or somewhere. Why haven't you required deer processors to quarantine and test all harvested deer? For example, one deer processing facility may process upwards of 400 dead deer. If one of these is infected, they all could be contaminated with prions, and all customers could get exposed to the prions, since prions are resistant to sanitation methods. All customers, processing cattle, or hogs in this facility for the next 15 years or longer, could also be exposed to those prions. Deer processing facilities are scattered all over the state. They dump their waste in sewer systems, septic systems and contaminate large areas with prions. We've been led to believe through these years that if we don't mess with the brains, we'll be safe. Prions are not spread from one deer to another by them eating each other's brains. Deer get prions that cause TSE by simply living in an area where some deer have them. They get it from the soil and the plants and the water. Prions are also carried by eagles, hawks, crows, vultures, seagulls, and a variety of land animals that feed on dead animals, which died of CWD or TSE is carrying those prions indefinitely. So there, when the buzzards go back to Texas in the fall, they're taking our prions with them. So, why haven't you told deer hunters and all the people that enjoy the outdoors this important information? After all, I think it says right here in your mission that we will be, while informing the public of the status of natural Kansas natural resources, gaining understanding and support in achieving our mission. I won't go into about the other states, but people have tried to kill all deer in a certain area, it doesn't work. It hasn't worked for them because they still allow people to take home the ones that don't look sick or don't test well. The prions are still in those deer, and they take them home, and they spread them in their own hunting area, and it spreads across the state, it just helps spread it faster. So, have we told the Governor? Have we told the legislature? Because if we don't do something to fix this. It'll mean an end to deer hunting, because the department's own data shows that in between 5 and 10 years all deer in Kansas are going to have it. The regulation says, we recommend you don't eat the meat. Are you ready and willing to tell the public and the all the deer hunters of Kansas they can't eat any venison? There's still no natural immunity, no vaccine, no treatment, no cure. So, what we should do is we need to make sure that we get on board with the scientific study, the research. That seems to be the only answer. We're way behind the ball. There's so much of it in Kansas, you're not going to stop it. We need to find some research and find out how to get rid of these prions. Hunters are going to have to help. The department's going to have to help and maybe the state is going to have to help. If you do take aggressive action to slow the spread of TSE there'll, be serious repercussions. There will be a huge decrease in deer. Hunters and deer numbers in Kansas will

increase. I know this seems counterintuitive, but they will increase. There'll be an outcry for culling, and it'll be needed. Deer and elk ranchers will fight an end to their industry. And TSE will continue to spread. The reason that the deer population will continue to increase is because the deer don't all die at one time. They will continue to breed and have fawns that have TSE. All this is going to do is shorten their natural lifespan. We're not going to be able to eat them anymore. If that's where we want to go, we just continue doing what we are doing right now. This is kind of scary stuff, and I don't expect you're believing everything I say, and you shouldn't. I want you to hear this information that I found, some from the department's own regulations and information. It says if CWD could spread to people, it would most likely be through eating infected deer. The department has printed in their hunting brochure. At this time there is no definitive evidence that CWD has been transmitted to humans. This is the truth. But more evidence is suggesting the risk to humans is not zero. What is the risk to me and my family? Research has shown that humanized rodents exposed to CWD causing prions can be infected. It has been proven in a laboratory setting that human proteins can be affected by the prions that cause TSE in deer. There is no scientific evidence that this has happened yet. I don't know that we should wait. because there's no natural immunity, no vaccine, no cure. And it's always fatal. And these same things will be carried forward to humans if they get it. As far as the warning goes, what does it mean to the hunter? Well, not zero literally means anything between a hundred percent and zero. So maybe being a little more specific on what the department thinks the risks are. Hopefully, they're slight. But saying they're not zero leaves a lot of room for interpretation. Are they 99%? Are they 25%? Are they point 0.01%? Are they slight? Do you feel that we're safe? Do you feel it is ok to continue to let us kill deer and eat them? We're the people that buy the permits. and we're the people who live in Kansas. So, if research is correct and the National Center for Disease Control is correct, it is possible that prions can cause CWD and that could mutate into a human disease. European research has already indicated that mad cow disease or bovine spongiform encephalopathy has been transferred to humans in the form of what is now called variant Kreutzfeldt-Jakob disease. This was very limited, with only a handful of cases around the world. These insidious prion diseases would not wipe out sheep, cattle, deer, humans, they'll just shorten their lifespan. If deer TSE transfers to cattle or humans, the same dynamics will apply. The one piece of good news is that scrapie in sheep has not affected humans in over 300 years. It's a little light around the dark spot. My closing is a plea to treat the spread of TSE with some urgency. Kansas is one of the core states surrounding Colorado that have witnessed the steady spread of TSE. As stewards of the natural resources. It is your responsibility to try to get ahead of this and slow the spread and do the research. I don't expect anyone here to just believe all I've shared. If you told me this information a year ago, I would have discounted it as some crazed ravings or conspiracy theory. Please look at the research yourself. I have included a list of some of the sources I referenced. Please take some time to check the facts, but please do it quickly. We've wasted enough time with our heads in the sand. As always, it's up to the hunters to aid in any way we possibly can. This is a tough one, and I can understand why not much has been accomplished in Kansas, and I can understand why you wouldn't want to panic deer hunters or stop the revenue stream that deer hunting creates. What I do not understand is why you professionals have not shared the truth and most recent research with us about the effects of CWD on our deer and our families. You've known about the risk to

deer and our families for years and you decided somewhere along the line not to inform us. I consider your actions on this topic to be negligent and irresponsible, and maybe criminal. When people start dying, how can you stand by doing nothing while thousands of Kansas deer die this horrible death every month, while knowing that your inaction may contribute to the end of deer hunting and a possible deadly disease. And your fellow Kansans, you owe us the truth so we can make our own decisions. I'm going to quit sharing my venison with my family and friends until I find out more. I don't want to be responsible for their shortened life for my grandchildren.

Chairman Damron – Mr. Couillard, please wrap this up.

Couillard - I am. That's the last sentence. Thank you. At least until we find out a way to destroy the prions, I probably am going to quit harvesting deer. So, the question for you, Mr. Secretary, is, what will you do?

Chairman Damron – Thanks for comments and time.

Deputy Secretary Schrag – I would like to offer the opportunity for staff to address some of what we have been doing over the last several years regarding some of his concerns and questions.

Matt Peek, wildlife research biologist, Emporia – Lot of ground covered. I would start out by saying, if there's a single wildlife topic that's been more heavily covered in the media in the last 20 years than CWD, I don't know what it would be. On our part, in terms of having information in the regulation's summary. Mr. Couillard raised a fair point on the statement when we say the risk is not zero. I think the intent there was that the risk is extremely low. People eat tens of thousands of deer and if you look at the infection rates in states like Wyoming and Colorado, where the prevalence rates have been highest. Consider the fact that it's been there for over 40 years and people are eating tens of thousands of CWD infected deer every year and there's never been a single case of CWD in people documented. So, the risk to people is extremely low. There are a variety of things that may be done to slow the spread. States have tried to slow the spread but once it is in an area there is no stopping it. The best-case scenario is that it slows, or it spreads naturally by the deer themselves, and there really is no stopping that. States have tried a lot of different things. I think there is developing research on more rapid testing and stuff like that that will be helpful at some point. In recent years we have developed funding for more widespread testing, and our intent is to be able to pay for CWD testing for any deer that hunters have killed in Kansas. So, people that do have concerns can get their deer tested through the department. They've always been capable of doing that in recent years, and we provided that information in the regulation summary. But in some cases, they might have had to pay for it themselves. We're establishing protocol that the department will pay for it.

Deputy Secretary Schrag – Can you remember the number of tests that we have conducted over the last several years, and on an annual basis.

Peek - I can't remember the number off the top of my head. I think the target is around 3,000 per year. Mr. Couillard made the comment that we need to be testing every deer. You don't have to test every deer to know what prevalence rates are. There's no real advantage to knowing beyond a certain level of uncertainty. If you have a statistical sample, and you have a good idea of what the prevalence rates are in a given area. It doesn't matter if it's 5% or 6% as long as we're in the ballpark, if it takes us putting hunters through a great inconvenience. A lot of hunters don't want to have their deer tested. So, when you talk about mandatory testing, we do have a statistical, scientifically determined sample size that we're trying to achieve every year. The information we're collecting is science based. We are collecting the information we think we need to properly monitor the prevalence of CWD in the state. In other words, we don't think we need to test every single deer to have a good idea of what prevalence rates are in different parts of the state. We would argue that our testing efforts have been adequate. Thank you.



Jake George, wildlife division director – Anybody who is interested in additional information on that, the Take Aim at the Spread informational campaign has a website at [cwkds.com](http://cwkds.com). That has verbatim a lot of information that was shared this morning and has been blasted through our social media. We have done billboards regarding it. There has been quite a bit of effort to inform the public regarding some of that information.

Commissioner Carpenter – What is reasons for organs to be transported with the deer? And reason for boning it in the field when scientific evidence proves that those prions are in the meat? Why ask for that?

George – I may defer until Levi Jaster can be present at another meeting. He wasn't able to be here today. He would be able to address that and give you information.

Peek – The reason for leaving the brain and spinal columns in the field is those contain the highest prions. Prion rates in meat are very low. The risk of transporting CWD by moving meat is extremely low and the same is true of eating meat. Consensus among biologists is that you can move meat with low risk of spreading CWD.

Commissioner Riedl – By leaving in the field. You don't know if that deer came from that area or that herd, especially during rut. They are traveling around. Aren't you making a higher risk of spreading CWD in that area?

Peek – If there naturally, it was already in that area and stood a chance of spreading the disease. Your best opportunity is to leave it where it was killed. If deer is from CWD area, leave those parts with the most prions there. If you think about the number of deer that are dying from it already, when deer dies naturally, it is left in the field, so basically you are mimicking what happens naturally.

Commissioner Mark – In case of antlerless deer harvest, when you kill a doe, it does not have antlers, so rather than requiring somebody to bring the head of a doe, the percentage of antlered does is very small. That was traditional way, an older regulation. That was traditional way of proof of sex. Now with cameras and ability to check in with phones to the system, people can take pictures and not have to do that anymore. Is that safe enough?

Peek – In most cases does are antlerless.

Couillard – So are button bucks?

Carpenter – Would I be breaking the law if I transport and did not have sex organs attached to the deer meat that I took home to my house?

Peek - If people don't want to abide by the physical requirements to transport the deer. They can do that online or the Internet check-in system. And so, you can take pictures of the animal with your camera, check in with the electronic version and upload pictures of the animal and the tag on the animal, and then you don't have to do that.

Carpenter – So, we have left a loophole for people that don't want to do that. To be able to fully bone out their animal in the field and transport it. So, for instance, myself, I do the electronic version. I take a picture of my animals, so that would suffice for not having sex organs on the meat. I'm trying to figure out how you would bone out a deer, and I don't know how I would leave the sex organs on the deer by boning it out right.

Peek – Some people quarter them to transport. And yeah, there's a little bit of a technique. It's covered in a variety of places. But a small amount of skin on the hind quarter is sufficient.

Tony DeRossett – Matt, do you know the current turnaround time on CWD tests? I deal with organizations throughout the country, and some take two weeks, some three days. I didn't know what was current. Peek – If we send in through the program, about two weeks. It takes time for the lab to get results and a bit variable. DeRossett – Colleague in South Carolina said they had freezers of meat because it takes so long. It is my understanding that now there are some incinerators that can get temperatures high enough to wipe out CWD. Some states have them. I don't know anything about expense or logistics or anything like that. Is that accurate and has that been looked into? Peek – We have talked about that stuff, and we don't feel we have a need right now. DeRossett – We have lost meat processors because of bone disposal or carcass disposal being an issue. Peek – There are limitations to our authority. For example, some processors won't take deer that has been CWD tested. In captive herds we have no oversight at all, the come from Dept. of Ag and Legislature. There are several potential ways that things spread long distances and wild deer and hunters are not the only ones.

Couillard – As pointed out, transferred captive elk and deer under Dept. of Ag, because we decided to do away with captive deer because of CWD, but instead of doing away with them they were called livestock. The reason we had a cabinet level Secretary, and commissioners appointed by the Governor and legislature is so that these huge issues you can talk to the Governor and have them reason with the Dept. of Ag and try to get these things done. It was not out of your hands when we were the fish and game commission when you were in charge. You can't do anything, but our secretary and commissioners can. They are the ones who will have to pick up the ball and do it.

Sean Miller – I actually had a little bit of information to share with you today as well. I'm going to try to keep it as short as I can. I want to say I'd like to be there in person today. But I'm actually in North Dakota with my dogs and a shotgun chasing birds. I'm happy I can appear remotely. I've come and spoke a couple of times in opposition to the trail camera ban on public lands that was passed last year. I'm not going to talk about that today although I will have a little request at the end of these comments. I want to talk about the last meeting of the previous commission in Hays. On June 20 I came and talked a little bit about public notice, and Secretary Kennedy has talked to a couple of folks about improvements or more efficient regulatory procedures for the agency. I am very much in support of that. I think it's a great idea. Those of you that were there will remember I talked about, and I am going to use the trail camera regulation, KAR 115- 8-25 as my explanation point, because, quite frankly, it's the one that I have the most experience with. I didn't think that there had been great public notice, and I thought that we could improve that. At that time a member of staff said, and I quote as a historical reminder, we ran these regulations through the process for 14 months. We felt it was going to be a hot topic issue, and we tried to go above and beyond in getting the word out. “We put it out on all of our social media, the web page, and actually printed it in the hunting regulations. We were hoping we would get more input, and we didn't.” I had a three-hour drive home from Hays that day to kind of chew on that and think about it. And quite frankly, I felt a little embarrassed. I thought I probably really missed the boat. So, what I've done since that time is I've gone back, and I've watched the videos of the KDWP commissions from all of 2022 and 2023. I've read the agendas, the minutes, and the briefing books for the last three years of commission meetings, and I watched a significant portion of those videos. After doing this quite frankly, I'm more convinced than ever that we need better public notice. That certain divisions within a department can do a much better job in communicating with the public, particularly during the workshop sessions portion of the agenda. So, I'm going to run through this as quickly as I can here, but based on my experience with KAR 115-8-25, it appears that that agenda item

was discussed before the Commission in January, March, April, June, August, and September meetings of 2022. When I looked at the social media. The press releases the public agenda and the briefing books for 2022. Here's what I found in January. There is a generic public lands line on the agenda with no additional detail. There was no mention of trail cameras in the briefing book. It was referenced that there was a new briefing book sent out to the Commissioners with this agenda item. But it was not made available to the public and is not online today. March 2022. Again, a generic public lands regulation line in the workshop agenda. No additional detail about what that means. The briefing book this time does contain a page that has a heading that says public lands regulations. But other than that, the entire 8 ½ x 11 page is completely blank. There's no mention of trail cameras. In the briefing book. April 2022, the same generic Public Lands regulation has no additional detail. The briefing book contains no reference to the trail cameras. Mr. Schrag presented at that meeting, and did note that some regulations were accidentally omitted from the briefing book. I'm assuming that this apparently included the trail camera regulation. June 2022 generic public lands regulations no line on the workshop agenda with additional detail. There is, however, for the first time in the briefing book on page 69 of 81. A notice about KAR 115-8-25, and a statement that it would be a ban of trail cameras on public lands. So, we're now in our 4th meeting. And, in fact, at this point Chairman Lauber, who was chairman of the Commission at that point, said, we are workshopping these regulations to death. But please note that at this point there has been no agenda notice to the public at all. On this regulation. August 2022, a repeat of June same generic public lands agenda line. The regulation appears on page 56, of 79 of the briefing books. September 2022, for the very first time. KAR 1-115-8-25, "trail cameras and other devices", appears on the agenda, item C, number 9 and it's also on page 53 of the briefing book. As you might expect with the item finally appearing on the public agenda for the first time. At this point the Commission received their first and only public comment on this regulation during the entire workshopping process. It is worth noting that the KDWP press release associated with the Commission meeting seems to be based off the agenda. So, this is also the first time that any press release contained reference to the regulation of trail cameras. In November and January of 2023, the regulation appeared on the previously discussed regulation section, but there was no further discussion at the meetings themselves. As Mr. Schrag stated in June, KDWP did publish a notice about the size of a business card on page 47 of the fall hunting and fur harvesting regulatory summary book in 2022. It lists four potential regs and states that the regulations could go into effect prior to the end of the 2022 season. So, you would need to check the website. It actually directs you to the website. Where to this point there has been no mention of the regulation. As I mentioned this in June. There used to be a pending regulations link under the laws and regulations subtab, which was a broken page for about the last two years, and when I pointed it out to KDWP staff in early 2023 sometime, shortly thereafter it was removed from the website. February 27, 2023 KDWP published a Facebook post that the Commission would be voting on multiple regulations, including the trail camera ban. This is the first and only post on Facebook that related to the trail camera regulation until four or five months after the adoption of the reg. It was actually published that the Commission had passed it. There were no posts on the KDWP Instagram account, or the YouTube account related to trail cameras at any point. March 9, 2023. In addition to the February 27 Facebook post. The agenda contains the four regulations to be voted on by the Commission, including the

trail camera ban. Two opponents spoke against the regulation and the Commission after a number of questions, and might I point out the only questions asked by the Commission during the entire process, adopted the regulation seven to nothing. Now, in fairness to the department, I do want to point out that in September 22, when this was public, and made notice. just as the regulation appeared on the public agenda for the first time, I had a really bad accident. I had a tree stand accident and fell 25 feet. It put me in the ICU, and I was confined to a hospital bed for another six weeks. So, because of this, I missed the September and November commission agendas, as well as the publication and the regulation summary, and that is on me. That's my fault and not the departments. It wasn't until January that I learned of the regulation and began to interact with the department to express my opposition? I would ask exactly how the Commission agenda is compiled and published. For example, if you look at today's workshop agenda, you'll see a level of various levels of details of the proposed regs. Item 3, fall turkey and spring turkey regulations tell us a specific and clear story about what's being considered. On the other hand, item 8, 115-8-26 reads, "new public lands, regulation". That provides virtually no detail, and can contain dozens, if not hundreds, of items, from camping to trail cameras to alcohol consumption on public land. and I would ask honestly if the public were to read that agenda, would they understand that a new public lands regulation actually is a fairly significant change to non-resident waterfowl hunting, that it changes the dates that you can and cannot hunt. Why did we not, instead be more specific there and say exactly what that regulation does. Otherwise, your Jane Hunter is going to have to get to page 61 of the briefing book to find out what that's really about. So, I am wrapping up here to go back to the June Commission meeting. Mr. Schrag stated we felt it was going to be a hot topic issue and we tried to go above and beyond, and getting the word out, we put it on all of our social media, the web page and actually printed it in the regulations, hoping we would get more input, and we didn't. Knowing now that this Commission actively discussed this trail camera reg at seven meetings and it appeared on the public agenda only in the final two, not appearing in the first five, and that there was one social media post on Facebook one week before the reg was to be considered by the Commission. I would ask you if that was truly going above and beyond. I think we can do a better job of providing notice to the public. You can never make everybody go and read the agendas, and even when we publish things, people are not going to show up. But I believe we can do a better job of providing effective public notice, and by doing so I think we could really shorten the Commission's regulatory process, because people will find out about the items being considered much earlier in the process. I would be happy to work with the department, other constituents or interested groups to help develop public notice options. I did say earlier that I had one additional request, and I'll try to keep this very brief. I have now, on three different occasions, requested that the public trail camera item be placed back on the agenda for further discussion. The Commission has agreed three times to do this. Now, back in June. When I reiterated this one more time, Mr. Schrag noted that he would like to take a two-year timetable to get an idea of how this regulation is moving along before that's done. I would ask you to reject that a two-year evaluation period to determine the effectiveness of a regulation that is based on virtually no public notice or data seems to me to be a very poor policy choice. So, with all due respect, it appears to me that the department, or at least the division, has no intention of addressing this issue anytime in the future. So, I would ask the Commission to direct the department for a fourth time to add this to a commission agenda at the next meeting, so we can begin to have a robust discussion on the merits of this regulation. Thank you so much.

Chairman Damron – I appreciate your comments and the spirit they're given. You've done a lot of work. You're very passionate about this. It is hard to believe you took time out of the field with your dogs to actually do this. So, this tells us how serious you are about it. Is there

comments or questions from the commissioners or any of the staff have any comments they wish to make on Sean while he's here. I see none from the Commissioners or anything from staff at this point in time. Thank you for your time, Sean. Happy hunting.

## **V. DEPARTMENT REPORT (continued)**

### **B. Secretary's Remarks**

Secretary Christopher Kennedy – Invigorating discussions this morning. I don't think we should assume that the Governor doesn't know about chronic wasting disease. It was one of the first discussions I had with her. I don't think we should assume that our staff aren't working vigorously to figure out a holistic plan for chronic wasting disease. Three months ago, we were in discussions with our wildlife director and our deer biologist to begin thinking about how we create a holistic plan for dealing with that. So, more to come. I think everybody is treading lightly because even before I got here there were attempts to talk about chronic waste disease. and when the discussions begin to turn on what tactics would be utilized to control it, those tactics were not widely accepted. A lot of people received a lot of intense scrutiny, and the conversation turned, rather than it being about the disease and how to control the disease, it turned into philosophical differences regarding baiting. So, you asked, what I am doing? My intent is to continue to work with our staff to create a holistic plan. Then begin to inform our commissioners, the Governor and the legislature, about what our biologists are advising. We give them an opportunity to look at those strategies. I think it's upon them to decide which of those strategies are politically palatable. Then we take that information and advice and come up with a plan, and we move forward from there. I trust the opinion of my biologists. I think they've done an excellent job monitoring the disease across the state. They can tell you where it is. They can tell you where it's spreading. The hard part comes when we go to talking about strategies for slowing it down because those strategies typically cause a lot of controversy, no matter what state you're in. So that what I plan to do. I didn't want to leave this room without letting everybody in the room know what I think of the situation and how we plan to move forward as an agency. I hope that satisfies your request. I appreciate the passionate discussion, and I look forward to more of those in the future, especially as it pertains to this topic.

1. Agency and State Fiscal Status Report – Secretary Chris Kennedy, presented this update to the Commission. The fee funds typically include revenues generated from various fees, such as hunting and fishing license, park entrance fees, boating registration fees, and other recreation permits. The Wildlife Fee Fund revenue, as of September 30 is \$23.2 million. The Park Fee Fund revenue, as of September 30, was \$9.2 million. The Boat Fee Fund, as of September 30, was \$2.8 million. Our cabin revenue from cabin rentals, as of September 30, was \$1.8 million.

Chairman Damron – I spoke to Martin DeBoer, our legislative contact liaison and he said he doesn't have a report today.

2. Legislative Update – Martin DeBoer – *No report.*

Deputy Stuart Schrag – I would like to use his time slot. I did not know Tony DeRossett was going to be here today. I wanted to take this opportunity to let him come up and say a few words. Many of you have heard of Kansas Farmers and Hunters Feeding the Hungry, it has been around a long time. The agency has been heavily involved with that program. It has morphed into Hunters Feeding the Hungry. Hunters can contribute annually for those animals to go to various lockers and then Tony is responsible for distributing that meat to various food banks and soup kitchens. The agency contributes funding for that. Also, annually we have an elk cull at Maxwell Wildlife Refuge and Tony is involved in that and we donate that meat. So, I ask Tony to take a few minutes to talk about that.

Tony DeRossett – I wasn't anticipating stepping up here to talk, and Stuart covered a good chunk of it. I founded the program in 2001, we were part of a national program. They required some of our funding go to them. I didn't think that was the best option for us. So that's when we converted to our current organization. From the start we've worked closely with the wildlife department. Hunters can donate funds when they buy their individual licenses, and that money comes to us. When it comes to deer donations, we are in contact with individuals. We currently have 25 or 30 meat processors that we're working with and will probably bring in the ballpark of 600 to 800 deer this year. You never know how deer harvests are going to go, full moon or snow, all these things affect those numbers. We will feed close to 200,000 meals to hungry Kansans across the state. I guess I could back up a little bit. The way our program works is, I administer a relationship with, let's say, 26 meat processors, hunters go out and harvest their deer, they drop it off at one of these meat processors, and then we distribute it locally within those communities. There are usually three to six food pantries in each area. They ground the meat into two-pound packages of burger. For many years we've been working with the Department with the elk herd at Maxwell. A new development this year is that we took those elk, because it's a very managed population, so we're not as worried about disease and things like that, and they're tested regardless. But we process them into snack sticks to distribute to after-school programs for children in need. So, we sent some of those out west, I can't think of which school district, and the other half came here to Bonner Springs. Apparently, they were a huge hit. We had them processed out at Krehbiel's at McPherson. Nationally, they struggle with some logistics, but Krehbiel's was able to do that. Some of the other states, like Arkansas ship all theirs to Missouri. I was confident that we could find somebody here to do it. We had 12 elk processed into snacks and distributed to kids at school. So that's a new development for this year. Most of the time when I come in and speak in here, I'm usually talking about budget. But today we're talking about snack sticks and all the good things we're doing since 2001. So, 23 years I have been running this program and feeding lots of people. Thank you,

Lauren Sill – I have a legislative comment. I'm a constituent from Hutchinson. In the past several years I appreciated knowing what legislative initiatives might be in line to be discussed in the upcoming session that allows constituents to talk to representatives and senators in their area. We have elections coming up. This was an opportunity to educate the public about a legislative initiative they could ask candidates about or find out how do they stand on an issue. And when we don't provide the public with a list of concerns that the agency is going to have for the legislature, then how are constituents supposed to engage with their representatives and senators? I hate to hammer on public education when you've already gotten it. but it is an area where we need to have our ducks in a row. So, the constituents who want to act on behalf of the agency can. It is frustrating to not have that going into this when this is probably the last meeting before

those elections. So, I think that I'm just concerned that we don't have that input available for constituents. Thank you.

De Boer – Thank you Lauren. On our legislative agenda going into the session with the secretary being new, we are still in discussions on what those issues are and what we want to bring in front of the legislature. So, therefore, nothing to report at this time.

Secretary Kennedy – When you speak of concerns, I know one that comes immediately to mind, and we talked about it this morning. It is the amount of time it takes to move regulations through the legislature. It makes me pause and gives me great concern. Martin and I and staff have been in a lot of conversations on how to engage the legislature and the public. It is a majority consensus within the agency that many members of the legislature are not fully aware of the functions of the agency, or how many ways we touch our citizens. We have been working to plan more information campaigns for those in the legislature and individuals in the public on two main areas that are high priority at this time. Thank you.

Chairman Damron – When we were in Independence, Commissioner Mark raised the issue of coyote night vision and predator control, and it is next on our agenda today.

### **C. Informational Items and Updates**

1. Review of Coyote Night Vision and Predator Control (PowerPoint – Exhibit I) – Matt Peek – I oversee several different programs, but the furbearer program is the reason why I'm here giving this talk. I primarily consider myself as a furbearer biologist first and foremost, but I'm going to give a review of predator control and night vision coyote hunting. I'm going to start out with predator control. The idea of predator control is that if you want more of your prey species, you can kill the animals that eat them, and you'll get more of the prey for yourself potentially. This is an old idea that goes back a long way. But the main thing, that's been heavily researched, is that the public interest in this topic ebbs and flows along with whatever game species you're talking about. When the population is doing well, there's no talk of predator control, but whenever they go in the tank, then predator control becomes a hot topic again. So, the thing you always hear is, we have way too many predators because nobody traps anymore. That is the overriding statement that you hear from the public relating to turkeys and pheasants and others. I want to break down different components of this statement. The first part of it is there are too many predators. So, there is an implication there that the predator numbers themselves have increased substantially over time. The other one is that nobody traps anymore. So, it's implied that the harvest of these species has declined. The third key component is because nobody traps anymore that we have too many predators. I want to break this statement down, starting with a look at furbearer population trends. This is data we've collected as part of our annual roadside furbearer survey, a long-term survey, that we have conducted for over 40 years. The basis of it is that during a several month period, in the summer and early fall department employees keep track of all the furbearers they see during their routine activities, with the idea that the more of a given species you have, the more of them you will see, either dead on the road or live alongside the road. And so that's the basis for this data. There can be fluctuations in its accuracy in any one

year, but the fact that the data has been collected in the same manner over decades gives it a lot of power in our mind. The question at hand is whether furbearer populations have increased, raccoon, possum and skunk, and possum and skunk have not increased, in fact, they've decreased a little bit over time. Whereas the raccoon has increased pretty steadily. Raccoon data goes back to 1980, the other two species go back to 1986. The specific index reported is number of observations per 1,000 miles driven by our employees. This is not population estimate. We don't necessarily have an estimate in the number of coyotes that are out there, but populations have generally increased. They seem to have taken a nosedive last year, as did the raccoon. There is some annual fluctuation in these surveys. We just completed the 2024 survey at the end of September, and we'll have that data analyzed within about a month. The main point I want to make is that the only furbearer species we have data on have increased substantially are the raccoon and coyote. I should say bobcat have too, but their index is so low that it's hardly detectable. We had good pelt markets for raccoon until 2013, and it took a big drop. So, raccoon harvest declined from an average of about 90,000 a year and between 2012 and 2013, it dropped down to about 40,000, over the next five or six years. It has come back the last couple years, up to an estimate of 70,000, but it had been low for several years. The possum and skunk also declined, but at much at lower levels, opossum to 20,000, and then skunk is a species that's not as common out there on the landscape. Coyote is a different story. We had an average coyote harvest of about 94,000 for several years, and then their harvest level increased about the time raccoon dropped off. The reasons for that are probably twofold; first there was a good market that developed for coyote pelts, and so they were the valuable species and once raccoon dropped off was when the Canada goose coats were popular, which were made out of coyote skin, which is rough around the hood. Since then, the addition of night hunting has probably contributed to an increased harvest total. So how much harvest would it take to impact the population? And this is the part where we're looking at because did these populations increase because harvest declined? So, we can go through a little bit of a modeling exercise here. Kansas has a little over 82,000 square miles. If we look at the literature on raccoon densities, and we assume that there is a density across the Kansas landscape of 10 raccoons per square mile, we might estimate that there are 820,000 raccoons in the state. It's hard to know exactly what harvest level it would take to cause the population to decline. By that I mean, when the next year's harvest survey comes around, if you killed enough the year before that there are fewer raccoons for some species like river otters and bobcats. That number might be 25% for other species. Like urban deer, it's 40%. And for coyotes it's been estimated as high as 70%. But for raccoon, a highly reproductive species, it's probably on the higher side. But for the purpose of this exercise let's be very conservative and say that if we could remove 40% of the raccoons from the population before we would impact the population, 40% of that 820,000 is 328,000. Then when you compare that to our recent harvest, our harvest lows were around 40,000, and our harvest highs were around 120,000. Our harvest levels, even during those good years, are nowhere near what it would take to affect the population beyond the very next reproductive season. This is why, when you look at both raccoon and coyote, our population index, those species that increased, they continue to increase regardless of pelt values and harvest levels. And by the same token, when you look at possum and skunk, the pink line and the yellow line. Those species didn't increase when the harvest declined for either one of them. There is no response in our population surveys indicating that harvest is driving those populations at all. That is the key point here, is that legal harvest doesn't necessarily determine the population levels for these species, and this has been supported by a variety of different research on predator control. And I'm going to point out that the key component here is this is large scale predator removal efforts are not reflected in large scale. Bird population increases. This has been done a variety of ways. People have looked at furbearer pelt values compared to game populations as well as direct research. This is the case with large scale



stuff, and one large scale efforts, or one of the many, is bounties. So, let's talk about bounties for a minute. These go way back. If we use my example of 820,000 raccoons in the state. you need to remove 328,000 to achieve a 40% estimate or 40% harvest, which, again, is conservative and we're currently, with good pelt values again, harvesting around 120,000. You could have some type of a bounty. Let's say you came up with \$500,000. That would help you remove an additional 50,000 raccoons, but that still doesn't get you anywhere near where you need to be. So, the problems with that are, it doesn't get you near the harvest level that you need to really affect this population. It also is addressing one species when there are ultimately multiple species that prey on our upland birds, turkeys, whatever species you want to talk about, there are multiple predator species that prey on them. Secondly, whatever funding you put into a bounty-type program is an annual thing, so you do good in a best-case scenario. If you did get some type of benefit, then you have to repeat the process and put that same amount into the program in order to maintain any type of benefit. Then there are also social issues with bounties that have cropped up, most notably fraud. This goes back a long, but along with bounties of old, people bringing in animals from outside of the bounty area or picking up animals that are killed on the road and stuff like that and using them for bounties. So that has been a constant issue with this method. Ultimately bounties have been ineffective at increasing prey populations which is the ultimate objective. Now, that's not to say that there are not benefits to bounties, because it is likely that some one of them help trapper recruitment. If your goal is to recruit new trappers having a bounty is a great way to get people out there. The discussion around such a thing can also increase public support for trapping, because it directly makes the public aware that furbearer management is necessary, and that trapping, or furbearer harvest is the way in which furbearers are controlled. It can make the public more supportive of trapping because they can see a value in it, and trappers would appreciate it. If you subsidize them, say \$10 a tail, or whatever, they would appreciate it as well. So, I'm not saying that there aren't benefits to the programs that exist. But they typically don't pan out in terms of increasing prey populations. The South Dakota Bounty program is one that has been brought up. But there is no documented impact on the resident populations as a result of the that program. So, they're doing it and putting \$500,000 a year towards the tails. And that's not counting the total funds to implement the program because their employees spend a lot of time meeting with the public and collecting tails. There are expenses to running the program, too. The benefits have not been reflected in pheasant populations, and that program is also political. It came from a political source rather than a biological source. It didn't come from their department or their biologists. I want to point out that there are concerns about a level of fraud going on there, of people picking up roadkill, and potentially bringing in animals from out of state. There is also opposition to the program. The public doesn't like out of season fur harvest. I'm not saying this should always be the determining factor as to what is allowed. I do want to make mention that there are people concerned about the orphaning of young, because you're talking about harvesting during the summer months, and times when they have young, and then also wanton waste. There is pretty good public acceptance for wildlife use when it's being taken for a specific reason, but when none of the animal is being used, that's much less palatable to the public. One of the concerns I hear from fur harvesters is that during the legal harvest season there has typically been the mechanism of dealing with furbearer damage issues. So, if you've got a beaver problem, we

encourage you to contact a trapper in season. The trapper has bought a license which contributes to conservation funding, and then they are able to go out there and help the individual out in exchange for the pelt of the animal. So that is consistent with the North American model. A shift towards a damage removal program is something our traditional users consider threatening. So that's the discussion of large-scale stuff. If we talk about small scale things, small scale predator removal can be successful. There are cases and research that's been done that have shown where people did make an impact. Delta Waterfowl studies are probably the most widely known ones. Those are fairly specific to the prairie pothole region, and those habitats are unique and not particularly applicable to upland game in Kansas, because it is an island of nesting habitat that they can address in a lot of cases. They can address a specific area, and that's usually not the case when we're talking about quail or turkeys or whatever. I do want to say there has been small scale efforts that have resulted in an increase in prey populations. However, one of the quotes from this from one paper is notable. It says, "our results suggest that predator control is likely to achieve short term conservation benefits for grouse if well designed and rigorously conducted". There are several different components of a predator control effort that are necessary for it to be effective. I think the key, in a lot of cases, probably are not going to be effective. But the first thing that you have to have to be successful is decent habitat in place. You can't remove predators from an area without good habitat and be successful at impacting prey populations. Another component is, it must be conducted during the key period of recruitment and continue throughout the nesting season. So, if you're trying to affect turkey, pheasant and quail nesting seasons, you are basically looking at a three-month commitment to removal and occasional removal of individuals is not going to have any impact. It has to be a concerted, persistent effort to keep the population of that species significantly reduced. Then again, it has to be annual. Regarding these small-scale efforts, we did establish the year-round raccoon and possum season, I think, based on public interest in the ability to be able to control these species during that time period. Our position would be that they're usually not a lot of these efforts that are not going to be effective. We're acknowledging that with the season extension. We also want to say that these results are often uncertain, and so this can be due to inadequate habitat, insufficient effort. Or people aren't removing enough animals extended for a long enough period of time. It can be in a scale that they're not working on a big enough area. You can't do this on 20 acres and think you're going to make a difference, because predatory species are moving in too quick. But even in cases that have been scientifically designed and well ran, have still failed in most instances, because of compensatory loss to other species. There are a lot of other things besides furbearers that eat upland birds. You can think about raptors, rodents, snakes, which are either impossible, or at least illegal to control, or very difficult to control. Then ultimately, weather is the driving factor. In some of these cases you can do everything right, and the weather comes in and you get no benefit off the money you spent in that year. That is why the department's focus has primarily been on habitat management. We're not saying that there's not some potential with predator removal at times, but most of the effort is focused on habitat management. We think this is much more cost efficient. If you take that \$500,000 you could have spent on a bounty program and spend it on habitat, you can affect thousands of acres of habitat. The habitat is not a one-year program when you think about, or not a one-year benefit. When you talk about native grass establishment, tree removal burning, in some cases, edge feathering and setting back succession in a lot of areas, you get multi-year benefit out of these. This is not just the department's perspective. If you look at all the NGOs, like wild the National Wild Turkey Federation, and quail and pheasant organizations, they have focused on habitat. Pheasants Forever is a habitat-based program, and these are the reasons why. I want to conclude by saying we will be monitoring the harvest levels that have taken place in the in the year-round season and we'll try to get some understanding of how this is being used by our constituents. We also have an

ongoing turkey project right now. I think it says in that K-State press release that we have a grant for 1.8 million dollars. We've got at least 12 turkey research sites in the state. Turkey declines are a hot topic right now and hopefully this is going to inform us on some issues here. If predators turn out to be a key thing here, we will discuss further. I also wanted to say my talk is an abbreviated version of the talk I gave in the March 2023 commission meeting. I'm approaching this primarily as a furbearer biologist. If you want to hear what our small game biologists or coordinators had to say, they both spoke during that March commission meeting as well. And that's on the department website. I will just jump right into the Coyote Night Vision part now and keep right on going. I'm going to start out with a little bit of history on this. We had requests from a few people wanting to be able to night hunt. For years people had been going to Texas and doing it for hogs and coyotes. So, there was interest in it for a while. We did formally advance it in November of 2019, and it quickly became apparent this was to be a controversial subject that was opposed for various reasons, and then there were some pretty passionate people for it as well. As a result, we undertook a fairly extensive review process. With a nod to Mr. Miller's comments earlier, but we did extend. We did have this subject on the agenda at an additional meeting and did have at least one online Facebook post. We did issue press releases and reached out to the federal public land agencies and other groups and tried to make them aware that we were including the Ag groups, to make sure that people were aware of it and had a chance to comment on it. I would say that underwent an extensive process, and then the Commission did ultimately approve it in August of 2020. So, we've had four of these night vision seasons under our belt. The provisions of this are that we allow the use of lights, night vision, and thermal imaging equipment. There was some discussion as to which of those light types should be allowed, and we ultimately allowed them all, mostly because of the pressure or requests related directly to coyote. We did make this coyote-only given the concerns that we had. We decided to go with a three-month season from January through March. Some key considerations that the general public was concerned about this. This is after the primary deer seasons and our own law enforcement officers who had a lot of concerns about it. It was after the rut, the major deer seasons and the time period when they're busiest in the field. Concern was they didn't want to have to be dealing with calls at night and stuff like that during the middle of the rut, when they're already stretched extremely thin. So, we put limits on it. Then we also prohibited it from vehicles. It didn't seem like a good idea to have people trying to drive around with this equipment, and it would be tempting for activities to go on from vehicles at night relative to trespassing and not having permission. And then this is also prohibited on department lands, managed public lands. The basis for that came from our public lands division, and I think it was twofold. This is the multi-use area that already has other users out there. Secondly, had to consider that it requires a permit. And we did. We dropped fees off after the first year. Basically, it's about 6,000 people that buy the permit. And that represents 15 to 20% of our estimated total number of coyote hunters in the state. The second reason we initially required this permit was so we could conduct a postseason harvest survey, and we would estimate harvest and activity of the night vision hunters, their motivations, and also try to assess some of the concerns that were brought up originally about this activity when this was passed. We did it with the agreement or understanding that we would come back and review this season, after three years, based on the data we had collected. We did this in 2023, and we recommended no change at that time. And

then we also discontinued the post season survey at that time with the intent that we would monitor total coyote harvest in the small game harvest survey. Which is where we traditionally have estimated our total coyote harvest from. That didn't mean we were going to quit keeping track of coyote harvest, it meant that it would be done, and night vision hunting harvest would be combined with other harvest techniques and kept track of as part of the small game harvest survey. The department Furbearer Committee reviewed this subject again last month, along with other regulation issues that have come up in the past year. We have these species committees for most of our game species. But this is a group of individuals that are from public lands, private lands, and wildlife sections. And the game wardens as well. It includes the major groups of field employees overseeing wildlife issues in the state. Generally considered or closely related or engaged with fur harvest. When we talk about this season, we know that users would like longer seasons. We know that they would like to hunt more species, and that they would like less restricted use pertaining to vehicles. A lot of times, we're getting these requests from constituents. They're related to damage, or damage complaints about having way too many coyotes, something along those lines. We have always operated under, when it comes to coyotes, if a coyote is eating your calves, it is a damage permit. It is one family unit, or whatever, and you address those individuals, but just broadly killing coyotes across the landscape alone doesn't necessarily preclude one from coyote damage. But it's an individual case individual incident in many cases, or the result of a couple of individuals. In that regard, damage problems do occur. There are already exceptions in place for landowners and wildlife control operators to handle these situations, and there are also established control methods that have been used to address damage. The night vision hunting is new on the landscape, but we have been solving coyote problems for decades, without this equipment. Ultimately, we view this as a recreational opportunity. In most cases hunting them is because they like to hunt and use this equipment. Another consideration is that this method is extremely effective for three years. Hunters that were using lights declined substantially each year, and it became apparent that the thermal imaging equipment is by far the most effective to use and is primarily what the hunters are using. With that shift in equipment, there was also a substantial increase in harvest, it nearly doubled from about 20,000 up to over 40,000 in that three-year time period. The license sales were fairly steady but the hunters themselves were getting more effective. Along with this success, we have started getting some complaints from traditional hunters who feel that this activity is affecting their success, most notably from other predator callers. Locally, in an area that a night vision hunter is working, that can have some local impacts until other coyotes move in. That brings up an important point, coyotes are an important resource. On one hand, people are saying there are way too many coyotes, and on the other hand, this is a major recreational activity for a lot of people. When deer numbers declined and pheasant numbers are down, coyote hunting is an important resource for people out west. There may be some competition between the resource users there. I did want to point out a key thing, coyote numbers primarily started increasing in about the 1990s, when CRP became established, but we have lost a lot of our CRP in recent years so it is possible that there could be habitat related declines in coyote numbers in parts of the west. We will keep monitoring that. Typically, we don't express a lot of concern for coyote populations, and I'm sure they will be fine.

Commissioner Mark - That chart is small. Does that show what we believe to be the current coyote population? Peek - It's not a number, it's an index. We don't have a population estimate for coyotes, or any of our furbearers. This is our best means of tracking population.

Commissioner Mark - If you had to surmise on a population number, would you even be able to do that? Peek - Well, we can do the same thing I did for raccoons. We look at density estimates and look at how many square miles Kansas is. A pie in the sky type of thing. We might estimate that there are five coyotes per square mile across the state. Commissioner Mark - The only

reason, I asked that is, you said earlier that you would have to kill 40% of a population to achieve a goal. And how would you know what 40% of the population was to achieve a goal? If you don't know the population? Right? Peek - So back to the density thing like I did for raccoons, we don't know exactly. But if I were going to take a guess at how many coyotes we have. I would say there's five per square mile times 800, the area in Kansas.

Commissioner Mark - Because then, my next question is, what percentage of that do you think we're harvesting? Peek – About 410,000 would be the estimate approximately. And our harvest is 150,000 or so, it varies. Commissioner Mark - So you think 400,000 total, so 100,000? And we're harvesting 150,000. So, we'd have to increase that, by how many more? Peek - Well again that 40%. So, there's a lot of wiggle room in all these things for coyote. Maybe this study has been misused at times, it's constantly been cited by people to oppose the harvest of coyotes, but some people have interpreted old study that took place requiring a 70% removal of them. There is a lot of things going on there. But one of them with coyotes in the west is that if you decrease the population, they have a higher reproductive rate, and they might start having a dozen pups and not a lot more resources. I don't think that would apply to Kansas, because I don't think it is hard to figure out what resource limits them. Those types of increases in reproduction are the basis for reducing the population. You have more food resources for the remainder, or denning resources, or whatever, and therefore their reproductive rates increase. I'm not sure that that would necessarily happen in Kansas. Commissioner Mark - My point I wanted to make before you move on is, you were talking about 40%, and that'd be roughly 125,000. So, we're really not that far away from being able to implement something that may actually impact their population using your own logic? I have some more questions. I didn't mean to interrupt. Peek – Those are all fair points. The biggest issue that has come from our review of this activity is law enforcement concerns. Our law enforcement quickly pointed out that this is the most difficult group of hunters for them to contact in the field. So, these guys are out there at night. They're not using, in most cases, visible light. In many cases they're capable of driving onto properties, and you don't know they're there. If you're sitting on top of a hill somewhere, you might hear a shot, but you really have no idea where it came from, and stuff like that. So, they're very difficult to contact and we have had significant concerns arise about the misuse of this equipment. Particularly related to the illegal take of other species, hunting from vehicles, and trespass. And we're getting a lot of reports of these types of activities from a lot of different angles. I might say the current season dates are established to try and address this, as I mentioned earlier, but they're not entirely effective at it. So, this is our single biggest concern about this activity right now. To wrap this up, we do have concerns about it and for that reason there was no support. Nobody on the furbearer committee wants to see an expansion, or supports an expansion of this activity, as it is right now. I would say that despite our concerns that we currently have, we don't have any plans to restrict it either. Our preference is to leave it as it is. We do recognize that for the people that are using it, they're serious about it. It is an important recreational activity for them, and they certainly enjoy going out and doing it. And it is effective, and so we can see the recreational value in it. Right now, that, as far as expansion, doesn't outweigh our concerns about the law enforcement issues that have arisen.

Commissioner Carpenter - So on the coon the year-round coon hunting. So that's in the daylight, not at night? Peek - For the most part, it's the legal methods that are occurring during the general season. There are limits to the traps that can be used. It is hunting and trapping. It does not include night vision equipment, so you could be out there with your hound, and you can shine a light up in the tree to locate the coon and shoot it out, or possum, or whatever. Commissioner Carpenter - But you can't use thermal imaging equipment to shoot them, correct? So, hunting them would be in the daytime, except for with coon hounds or something like that? Peek - People are effectively calling them in a variety of different ways. It just doesn't include the light enhancing equipment that are legal for coyotes. So, it's all the legal methods that take place during the regular season. Commissioner Carpenter - They also would need a furbearer license? Peek - Yes. Commissioner Carpenter - Because of that, have you seen an increase of people purchasing furbearer licenses? Peek - I have not. I haven't checked the licenses this year, of course, that just went into effect this spring.

Commissioner Gfeller - In the early part of your presentation you showed us that the relationship between harvest and population didn't really exist. And yet coyote and raccoon populations are increasing, and possum and skunk are decreasing. What would be another explanation for those trends? Peek - Well, sometimes it's related to habitat or denning areas or disease. Sometimes raccoon in certain areas have disease outbreaks, or at least they used to. I'm not sure they have distemper outbreaks the way they used to, but there's constantly distemper out there in the population. In many cases probably a lot of them die due to harvest. But the population, or the next year the reproduction makes up for it. To be clear, if you kill 50,000 coons in January, or whenever, those coons are not there for that year to be depredating, it's just that the other coons fill into the area. So, it's not like you have an area without coons. If you harvest today in season. Commissioner Gfeller - The decrease in population of possum, what would be an explanation for that, other than a habitat? Peek - Large ag field and loss of edge and stuff like that creates less habitat. They're more vulnerable to their predators, that effect would mean fewer places to raise young and fewer food resources. Although you know that alone isn't necessarily the reason. But it's a combination of things. If I've got 10,000 acres of habitat, it's going to have more potential for more animals on it than 100 acres of habitat, right? So, over time, over the course of decades as our ag fields have gotten bigger. I mean, this is a major reason why quail populations have declined. In the east, as we have changes in farming that have increased field size and reduced edge size. The habitat thing affects more species than just the game species we're talking about. Commissioner Gfeller - My question is, because I can understand habitat being an issue with upland birds, and you know the quail, but not for a furbearing animal. I don't understand the relationship between habitat and population. Peek - The coyote, one that isn't proven or anything, but as we've seen, we've lost about half of our CRP, a lot of it is in rangeland in some places where there was already grassland out there. But for coyotes, those CRP properties were important for raising young and for staying out of sight of people and stuff like that. And so, as we've lost a lot of those types of areas, that could be important. We think it's important to deer and prairie chickens. There's no reason why, when coyotes aren't using it as a significant part of their life history as well, that you reduce the number, the amount of habitat that's useful to them. And we went from, 10,000 acres, of course it was a lot more than that, but now we have less habitat out there that is useful to them. Commissioner Gfeller - On the night hunting of coyotes, one of the concerns that I heard, and that I had when we talked about it earlier, was the dates which coincide with the peak of calving season, January to March. Are you getting any feedback or concern from ranchers and farmers about this those dates or any problems? Peek - We're hearing nothing. I mean, there's a few cases here and there where people would like to see it extended for that reason. But it's not a huge number. A lot of it is people just want more days to

be able to hunt. Commissioner Gfeller - I'm thinking more of the landowners, the farmer and the rancher, don't want people out there during calving season, because, you know, that's pretty vulnerable time, and you don't want a lot of traffic out there. Peek - We hear comments from people who are still opposed to it, some of them are landowners. I didn't talk about deer hunters. I talked to Levi, the deer biologist the day before yesterday and he mentioned the fact that he was hearing from deer hunters that were saying that they don't want to see this expanded earlier into the deer season and stuff like that. We've heard from all angles of people on this. The hunters themselves overwhelmingly want more, and we know that there are other groups of people that don't support it. There are still people who are concerned, generally about people out there shooting at night, and so we hear some from them as well. Commissioner Gfeller - One more quick thing. If it's so popular with the hunters, why only \$2.50 for the permit? Peek - The only purpose of the permit is so we could track participation. This was not an attempt to profit from it. Commissioner Gfeller - But does that cover your cost? I mean, point out \$5, I'm not saying you need to get greedy, but if you get \$2.50 it doesn't provide us with anything. Peek - This is my perspective on this, it is a hunting technique, and it falls within the funding that we already have for hunting. I don't know why we would punish this user group and make them pay something specific. We don't do that for houndsmen, or any other individual user group. From a fairness perspective, it's no additional cost. From law enforcement perspective, they are making an effort to try to find a way to better oversee this activity. They are putting some time and effort into it. But they don't charge them specifically for pheasants, they spend a lot of time on all these other species too, and we don't charge them. That is my perspective on that, anyway.

Jace McKinney - I am the big game specialist in licensing for the Pratt office. I can speak on the system itself. The permit itself is free, the \$2.50 charge is the issuance fee for the permit through that system. So, they get their piece. The \$2.50 doesn't come to the department. So, we're not effectively charging them for that. It's just the processing fee to the company that we have the system through. Thank you.

Commissioner Mark - We can all agree that there is a correlation between the number of predators on the landscape versus the number of prey on the landscape? Peek - I don't think so. Commissioner Mark - Well, then, just as an example, when wolves were introduced into Yellowstone. As wolves were released, the moose population dropped 80%, the elk population dropped almost 70%. I think almost every biologist thought there was a correlation between that. Wisconsin, for example, and the year 2000, they had 248 wolves in the state landscape, and the deer harvest in the year 2000 was, I believe, 618,000. As wolves remain unmanaged in Wisconsin. their population grew at the lowest estimate 1,200, at the highest 4,000, and in 2023 Wisconsin deer hunters harvested 280,000 whitetails, which is almost a 50% reduction. And you wouldn't, as a biologist, see any correlation between those two numbers? Peek - Well, maybe I misunderstood the question. There certainly are cases where predators affect prey populations, especially when prey populations are vulnerable. I mean, there's all types of efforts to remove predators for prey populations. You talk about trapping along the sea to protect nesting sea turtles and least terns and stuff like in in other areas. So, there are certainly cases. I thought you were generally talking about. Commissioner Mark - Well, I was generally just asking, can we

just agree? Peek - And I think we can, that predators impact, they can. But your statement is that predators impact prey, that is where I was disagreeing. That's not always accurate. It's possible in some cases. Commissioner Mark - But if we didn't kill coyotes and we see an increase, there would be a decrease in deer population? Peek - The question of whether the harvest itself is limiting the populations, and how many years out you want to go. At some point, there are other factors out there, including the coyotes themselves, that are going to limit the coyote population. Commissioner Mark - I think if you quit killing coyotes for three years, they would go up and up and up. That's not how, they won't decrease until they run out of food, and I could give you a study after study. I just don't want to get into the minutia of that. But the predator population will only self-regulate when there's no prey or such limited prey. I mean, that's factually. But let's just move on. So, what's the downside? I guess, as a biologist, if we find a way to decrease or increase predator harvest. what would be the downside of that? Peek - As a biologist, it depends on a lot of different considerations. There's a lot of people that are going to be unhappy about that, because they don't like that activity. Commissioner Mark - And so, I'm just talking in a vacuum for a second, then we'll talk about the legalities of it just from a science standpoint. Earlier in the orientation we were told that we make our decisions based on the North American Model of Conservation, which is science-based. So, my question is aimed at that model, from a science standpoint. What would be the downside of increasing predator harvest in Kansas? And, based on your own terms, we wouldn't dent the population if we didn't kill up to 40%. So, keeping your prior statement in mind, and the fact that we're killing quite less than 40% right now, what would be the downside of increasing harvest up to 40%? Peek - Well, I don't think the science tells you, good or bad. You're talking in a language that I am having a hard time answering, because science doesn't tell you, good or bad. We look at science, and we can tell, if you do this, then the population might change. But the science doesn't tell you whether that's good or bad. That's a social question. I think what you're ultimately asking me is, would it be okay, to reduce numbers by some harvest method, which would be okay. Commissioner Mark - I mean, we've shown in our data that those populations have increased. And so yes, we would tolerate a reduction in the raccoon population. If there was a possibility, it wouldn't hurt the harvested population, if there was a possibility that that could help us with our turkey population, or our pheasant, or quail, or our whitetail populations. What would be the downside for this commission to talk about ways to do that? Peek - I think that's fair discussion to have. I mean, we just opened season year-round for coon and possum. So, we're not averse to considering these things. And like, I said, we recognize that small scale, local efforts have been effective at times. Commissioner Mark - So, then my final question. From a biologist standpoint, you would not recommend seeing how we might harvest more predators up to your 40% or so, number that you said would not impact anything? You would come back and say, wait a minute. From a biologist standpoint, you guys are going the wrong direction. Peek - Fair statement. Commissioner Mark - I think so. Okay, thank you.

Commissioner Gfeller - To follow that up, because I think predation is the big issue with our bird population. But what I heard you say earlier with coons, we still got compensating nest robber out there. We got the raptors, the snakes, so we can't get rid of all the predator. But it's a discussion of what we control. But the habitat issue, and the emphasis on that, I think is a real important issue, because it's just obvious that the more vulnerable the nest is to prey, it doesn't take but one nest robber to find that nest in the open. We can't eliminate every predator out there. So, the habitat issue, I think that they're both important, but the habitat issue is something that's a little more difficult for this group. Once you're managed, I think a bigger deal. I think that's a point I was thinking about earlier as well. The question I was going to say, there wouldn't be anything wrong, but I think it's better and it would be appropriate to address this in a



multifaceted way, to not only try to improve the habitat. but also, to look into this predator. So, a multifaceted approach would probably be most preferred. Correct? Peek - Well, we have been talking about ways to increase furbearer harvest and increase fur harvesting participation within the furbearer committee. So yes, I mean, those things are consistent with what the department has been doing. Commissioner Mark - I, for one, really appreciate the presentation. It was very informative. Thank you. Chairman Damron - Further questions from the commission? Matt, thank you for taking this up. I know it was important to Commissioner Mark and I do appreciate staff responding by the kind of work you put together for us today.

### ***Break***

#### **D. General Discussion**

1. Election of Commission Chair per HB 2530 - Chairman Damron, Commission Chairman – Because of changes in the makeup of the commission during 2024 legislative session, the chair is no longer designated by the governor. The commissioners themselves will elect the chair. I would open the discussion or a motion from the commission, unless legal counsel tells me I need to do something different. Legal Counsel Wiard – Are you opening for nominations? Chairman Damron – Yes sir. **Commissioner Will Carpenter moved to nominate Whitney Damron as chair, Commissioner Emerick Cross second.** Chairman Damron – Any further nominations? **Commissioner Will Carpenter moved nominations cease, Commissioner Warren Gfeller second.** Chairman Damron – All in favor? Any opposed? **Approved.** Chairman Damron – I call that a railroad. Thank you. I think we have taken care of that for the time being. For clarity, this is something that comes up every two years. Legal Counsel Wiard – I don't want to be a stickler, but technically you just passed the nomination. I think we still have to do the election. Chairman Damron – So, let's move to the vote. Do we want to do a roll call? Legal Counsel Wiard – No, voice vote is fine. Chairman Damron – All in favor of myself, Whitney Damron, continue as chair of the Wildlife and Parks commission? **Motion passed.**

2. KAR 115-25-7 Antelope regulations – Jake George, wildlife division director, presented this regulation to the commission (Exhibit J, PowerPoint Exhibit K) – I'm going to apologize for taking so much of your time today. I happen to have an information item on the same day. It is customary to give a presentation on program overview for the first time that the regulation is brought in front of the commission. With both pronghorn and elk, I have a little bit of an overview on their management, and that at future meetings I won't be giving a PowerPoint. Start with pronghorn and a little bit of background information. Historically pronghorn existed all across the western United States, and they existed in Kansas from the tall grass prairie westward, which is about the western three-quarters of the state. They were very numerous, as numerous as bison, estimated at 30- to 40 million. Like a lot of other species in the mid to late 1800s, there was a lot of people living off the land, and unregulated harvest took its toll. They were nearly extirpated from the state by the 1900s, and the department undertook a series of reintroduction projects. This was starting in the 1960s, when those biologists were lucky enough

to get to move around a lot of different species. Pronghorn were one of the early ones. Our first reintroduction took place in Wallace and Sherman County, one part of the state that had pronghorn remaining at the time. The most recent reintroductions took place in 1993 in Morton County, on the Cimarron National Grasslands, which is the southwest corner; and in the Flint Hills, which is the easternmost population of pronghorn that exist in the country today. Our current range outlines the western tier of counties and over into Gove County, which is considered the primary range where pronghorns are today. But we really have pronghorn throughout that western one-third of the state, at least occasionally, or in certain areas. As you get farther east, we still have pronghorn in the Flint Hills. There are maybe 20 or 30 animals left there. There was pronghorn down in Barber and Comanche County area until recently, when the wildfires killed quite a few of those. I there's any at all down there, it's not very many. As far as keeping track of the number of animals we primarily use aerial surveys. There are the three hunting units that are open to pronghorn hunting, and three survey areas where we conduct surveys. The top one overlaps much of Unit 2, and then the bottom two incorporate parts of Unit 17 and Unit 18. We document the location and number of pronghorns we see from the plane at each site and conduct winter counts in January and February. We are looking for animals that are herded up at that time of year, mostly trying to find large herds, or maybe not large nowadays. We are trying to get a total count. And then in the summer, although the herds are much smaller, or even to the point of individual animals, or a female with young. The main thing about this survey is that we are we're trying to get a fawn to doe ratio to assess recruitment, So, this survey is in July and August, and the fawns are still distinguishable from the does because they're smaller, and then you can also distinguish the bucks where you would be able to see the black antlers and the black facial patch on it. This ratio is recruitment and an important figure. Up until about 2016, the average production was around 60 fawns per 100 does, and then in about 2017, that number dropped way off. Production rates have dropped off to about 40 fawns per 100 does for a number of years and the result of that was our populations have declined throughout the range in western Kansas. We also keep track of the buck to doe ratio; our goal is to maintain about 35 bucks per 100 does. If you consider the boundaries of what you might manage for their maximum production, you need at least 25 bucks per 100 does and maximum trophy potential would be about 50 bucks per 100 does. We're trying to manage somewhere in between there. When we have a declining population, due to production over time, we reduce permits to try to maintain that buck to doe ratio. People who are still getting permits still have a reasonable chance to take a relatively mature animal. There are three units open to hunting. Firearm and muzzle loader permits are restricted to units, and the archery permits are valid throughout all three of the units. Specifically on the firearm and muzzleloader permits, they are limited draw. So, hunters have to apply for them, and they're available only to residents, by state law. Half of these permits are allocated to landowner tenants, and half of them to general residents. Demand for these permits has been high. The number of permits issued was about 1,000 for a long time, with about 1,000 applicants. But recently the number of applicants has increased to almost 2,000, or you have almost 2,000 people buying preference points or applying for the permit. The demand is high, and it typically takes 6 to 8 preference points for a general resident to get a firearm permit, and 3 to 4 preference points for a general resident to get a muzzle loader permit. In most cases landowners can get a permit at least every other year, because there are a lot fewer of them applying. And then, because of the population issues, we have reduced permit allocations in recent years by about 100 total permits, between firearm and muzzle loader. We've cut these limited draw permits by about 35%, archery permits are unlimited, and they are available to both residents and nonresidents. And so sometimes, especially since we've had a declining population, we get some flak for issuing these to nonresidents, but nonresident permit sales have been pretty negligible. The average over the past five years has been 11 permits.

We've averaged 349 total permits, so nonresidents only represent 3% of all the archery permit sales. Archery has changed a lot in recent years, in that they have become a significant contributor to harvest. They have always been unlimited because they were insignificant, but in recent years, a combination of the high number of permit sales we have sold about 400 total permits. Success rates have increased from 10% to 12% up to 15% to 20%. So, they've gotten more effective at harvesting as well. There's more of them, and they're more effective. And so now they're taking a pretty significant chunk of the total harvest that occurs. As a result, we have attempted to curtail archery harvest in recent years, and this is something that commissioners will probably hear from some of our constituents, because they don't like this. But we decreased firearm and muzzle loader permits by 35% due to a population decline. We were looking for a way for archery hunters to give up a little something, too, so it was intentional. The first thing we did was eliminate their ability to double dip in terms of permit applications. They used to be able to apply for a firearm preference point, and then also buy the archery permit, if they were unsuccessful. We eliminated their ability to do that. They now have to either buy an archery permit, but then they can't apply for the firearm permit or buy a firearm preference point in those years. Also, we eliminated the late October season. It wasn't important to a lot of people, but it did amount to some additional harvest. As far as hunting's effect on this population, in most years, less than 10% of the harvest is composed of does and fawns. So, hunting doesn't affect this population. We manipulate the hunting permits to try to maintain that buck to doe ratio. We're trying to maintain some level of quality out there for the hunters that do get the permits. The question then would be, why has production gotten so poor? We've had some habitat issues take place out there that have not been good for pronghorn, although we don't have direct data showing it. The drought monitor in May of 2022, shows that the entire pronghorn range out there is in drought, a lot in severe drought, and even exceptional drought. There's not a whole lot of good places to hide a fawn out there. The season dates are pretty short, a 9-day archery season immediately followed, on the Monday after the archery season ends, the muzzle loader season opens up, and there's a 4-day muzzle loader only season, and then beginning the first Friday in October, the firearm season begins, and the muzzleloader hunters, who had been unsuccessful during the muzzleloader only season can hunt during that time period as well. As far as recommendations, we're not making any today. The season dates are now in this regulation in a durable manner, so we don't have to worry about changing them annually. The season will go on. We may come back if we want to change it. For permit allocations, we will come back at a later date. We always try to get the winter surveys in before we make those recommendations, and then it's possible that other recommendations may emerge between now and then. There are a bunch of reports on our harvest surveys and population surveys on the department website. If you go to the antelope page and click on research or click on the research and surveys on the right. There you can view the reports and the information we collect from harvest surveys.

Commissioner Carpenter – Does archery season include crossbows? Peek – Yes. Commissioner Carpenter – No wonder it is a little bit more effective. Are there animals in the Flint Hills. Peek – Yes, we think about 20 to 30. They are surprisingly hard to survey, but occasionally somebody will see a herd in the winter. We have minimum count based on one herd, seen once in a while.

Commissioner Carpenter - My wife always sees them, and she tells me the mile marker. I drive the turnpike all the time and I never have seen one. They don't jump fences, right? Peek – As a

rule they don't. You can't expect a population to jump a fence, but occasionally an individual will. In the western states you'll have a whole herd of them stack up in winter and get killed against a sheep fence, or something like that, because they won't jump over. And that's part of the problem with the Flint Hills being fenced, too. Commissioner Carpenter – I'm not sure that's a problem. I think if they could get out there would be some concern. Peek – There's so few of them that they would dissipate. At least they're kept together in that area because they're relatively hemmed in by the turnpike fence and by the Cottonwood River and 77 highway on the west, and then Old 50 and the Neosho on the north, and so they're kind of stuck in that triangle. It's a small number and has been for a long time.

Commissioner Gfeller – How many were introduced there? Peek – A couple hundred total over several years. There was quite a while, 10 years or so, between reintroductions there.

3. KAR 115-25-8 Elk regulations – Matt Peek, research biologist, presented this regulation to the commission (Exhibit L, PowerPoint Exhibit M) – Elk were also historically abundant in Kansas. I point that out, because a lot of people think of elk as being a wilderness species or a mountainous species. But they're actually grazers, and were extremely abundant on the prairies of Kansas, along with the bison and pronghorn back into the 1800s. But, like a lot of the other larger species, they were eliminated, or significantly reduced, and then ultimately were extirpated from the state by about the turn of the century, about 1900s. So, the department also engaged in some reintroduction efforts with them. Of course, elk being the large animal that they are, there is more limited places you could put them. I think our biologists were looking for areas of intact rangeland with elk. You needed something a little more substantial, so they focused on the two large public lands in the state. The first one is the Cimarron National Grasslands, which is 108,000-acre forest service property in Morton County. We reintroduced 33 elk there between 1981 and 1990. Then Fort Riley, in north central Kansas. That was 101,000-acre department of defense property that's used for military training exercises. Elk were reintroduced there between 1986 and 1994, and a total of 54 elk were released. In both cases our efforts at early elk management consisted of a very limited harvest. Cimarron opened in 1987, and Fort Riley opened to elk hunting in 1990. In both cases we were conservative until severe damage complaints developed in the area, and we didn't respond quick enough until things became catastrophic. We issued a whole bunch of permits, and significantly reduced the herd. As a result, in the case of the Cimarron, those elk were also moving into Colorado and Oklahoma as well. And so, it was a three-state deal, and between the three of us we really knocked those elk down to the point that there are basically no resident elk on Cimarron today. But these early efforts of elk management led to a change in philosophy. So, we did not eliminate the elk off of Fort Riley when we increased the harvest. But it did change our management approach. Our focus is on maintaining and conserving those elk that are on public lands. We don't necessarily have a target population, but we're trying to keep them at a level that's compatible with surrounding land uses, primarily agriculture. Crop fields can be the conflict, and we do this by allowing landowners to determine the elk status on private lands. Since 1999, which was the year we really kicked up the harvest on Fort Riley, we have progressively increased season dates, and been less restrictive in terms of who can hunt as the elk population has expanded in the state. Our goal is to be able to let the public use legal harvest as a means to address damage on private lands. We found out from our early efforts that you can't force elk onto the private landscape in Kansas. It's going to be unsuccessful, but with a liberal harvest opportunity it seems like you should have over-harvest, right? Unit 1, Cimarron National Grasslands is closed to hunting. Unit 2 is Fort Riley and has a buffer around Fort Riley, and permitting is limited draw in that area. The remainder of the State is Unit 3, and you have over the counter permits, either antlerless or any elk, permits available to general residents and landowner tenants. So, it's a liberal harvest

opportunity. Sometimes we get people who express concern that is leading to over harvest. But, in fact, what has happened since landowners can get permits readily, is they have taken the lead in conserving elk on private lands. So, we have a variety of herds that have popped up on private lands. The private landowners protect access to them, so, hunting is limited by access and by the landowners themselves because they want to conserve the herd of elk. So, the traditional roles between the department and the landowner are reversed in that regard. We're giving everybody access. The landowners are the ones doing the limiting. Also, throughout the rest of the state there are little core herds all over the place and you have a chance to have dispersers show up. So, we have a lot of elk around the state, like a young bull that show up on trail cameras. The net result is that in the last five years, elk have been legally harvested out of all of those counties, and if you go back 10 years you can add several other counties to it as well. In the last five years you've got over a fourth of the counties in the state that had elk harvested, and if I were to add the counties where we've had observations, that figure would be even a lot more filled in. So, that said, most of the hunting opportunity for a general resident in the state takes place on Fort Riley. This is the one place that a resident has access to, if they can get the permit where they're assured access. So, there are approximately 300 elk up there in the vicinity of the Fort. There is high demand for these permits. There used to be 1,000 people apply for these permits in the last several years the number of people applying or buying preference points has increased to almost 2,000, so demand is very high, and this is for about 30 permits. We typically issue 18. In recent years we've issued 18 antlerless elk permits and 12 any elk permits, and those permits are divided, weighted towards non-military, or I mean towards military applicants. And so, the odds for a general resident are even lower than 30 out of 2,000 basically is what that amounts to. But since the Department of Defense maintains those elk on their property, we do give the military personnel station. That's the reason why we give them some advantage in the draw. These permits are allocated by a bonus point system. I mentioned pronghorn are allocated by preference point where the person with the most points gets the permit. With elk, it's a bonus point system, because if we do not have a preference point because the only people who would draw for the next 30 years are the people who applied the first year with a bonus point. If I've applied for five years, I have five chances in the draw, but the first-year applicant also has a chance in the draw and could potentially draw. So, your odds are longer, the more you've drawn. But they're not zero. Permit allocations on Fort Riley are based on several things, one is, the Fort tries to conduct winter surveys in Blackhawk helicopters, and so they try to get a count. Sometimes access is limited, and success is limited, depending on weather conditions; it's not perfect, but gives us a chance. We also look at harvest success and elk issues, particularly damage outside of Fort Riley; that also dictates these permit allocations to some degree getting into the season specifics. The permits are not equipment specific, you will either get an any elk or an antlerless elk permit. Then you can hunt in any given season, and the reason for that is on Fort Riley there is a high potential to have equipment closures. So, you might have some areas that are open during the rifle season, but they would only be open to archery equipment, and so the original intent of that flexibility was to accommodate hunters on Fort Riley. For consistency, we just carried it over to the private lands as well. But you don't have an archery permit like you can get with deer. These permits in Unit 3 are general resident and landowner tenant and are available over the counter. In Unit 2, in the buffer area around the Fort, we have unlimited hunt

on land permits, so landowners can hunt them. So, we don't have a firing line of general resident hunters waiting at the edge of Fort Riley for elk to come off, that is the reason why we have that buffer. And then our seasons are progressively expanded. But off of Fort Riley we start the season on August 1 and ends on March 15. That is a really long time period. We kept moving it earlier and earlier. The reason we moved into August is because we were getting some damage complaints in cornfields, and we were faced with issuing depredation permits, so we moved it into August so that landowners could use legal hunters to address those issues rather than going through a damage process. We would prefer to use legal hunting, people with access. People that have resident elk are not going out in August trying to kill elk, as a general rule, this is being used for damage cases. On Fort Riley, the season duration is shorter, but we do have the regulation that you voted on today. Includes an extension through January. So, it does lengthen the Fort Riley season by a month. The biggest issue we're facing with elk right now is that military training activities have increased significantly, and maybe they're using some aggressive equipment on the bombing range where the elk primarily have stayed, and a bunch of these elk have gotten pushed off the Fort. So, we've had some damage complaints around Fort Riley that we haven't had in recent years. We're addressing this through the season extension on the Fort. We are considering additional options to try and address this. There seems to have been a big increase in elk observations in the vicinity because they are being pushed off. We're not bringing forth any recommendations today. Like I said, like with pronghorn. The season dates are durable, so we have a season in place, even if we ultimately don't recommend any changes. But we will come back at a later date. if we decide to move forward with something to get a little more aggressive on them. The harvest reports can be found online. We don't conduct private land surveys for elk, we rely off the Fort Riley harvest or population survey. So, there are not any population surveys on the website. But you can see the information we collect from the harvest surveys on the website under the elk on the elk page. And with that I'll turn this over to you, Mr. Chairman, for questions. Commissioner Carpenter – In Unit 3, is hunting open on department land? Peek – Yes. If there were walk-in hunting area, or wildlife area in Unit 3, you could buy a permit and hunt them. There was one on one of our lakes a few years ago, a nice bull. Deputy Secretary Schrag – One on Webster WA was harvested. Peek – Some reproduction happening up in northwest Kansas. Producing and dispersing up there.

## **E. Workshop Session**

1. Big Game 4-Series and 25-Series Regulations – Jake George, wildlife division director, presented this regulation to the Commission (Exhibit N). You guys will note that I'm on for the next three presentation. Levi Jaster and Jeff Prendergast both had some scheduling conflicts. So, unfortunately, we don't have our experts here, and you are stuck with the B team. Matt can help me out, too. For the big game 4-series permanent regulations, as a part of our normal annual cycle for review, we're continuing discussion on the various these permanent regulations pertaining to big game. These include 115-4-2, big game, general provisions; 4-4, big game, legal equipment, taking methods; 4-6, deer firearms, management units; 4-11, big game and wild turkey permit applications; 4-13, deer permit descriptions and restrictions; and 4-15, which deals with the restitution, scoring system for whitetail deer, mule deer, elk, and antelope. Descriptions regarding the content, or summary of the content, of each of these regulations has been provided in the briefing books. Recommendations for any changes to these regulations would still be under development at this time. As far as timing of that, we talked a little bit about the survey work and the process on the front end. That survey work is pending completion, so that is the reason for the lack of any specific recommendation or information. We won't actually be able to come forward with a finalized recommendations until January. But I wanted to take

this opportunity to remind both commission and the public that just because we have not presented a specific recommendation for comment, we are, as a part of our review cycle, opening these up for comments or suggestions or concerns that the commission, or the public would like to express and have us consider as we move forward in developing those recommendations. So that is a part of the process for some of these. We may not have a lot of meat to the bones as far as what's in there yet but is an opportunity for comment for things that people want us to consider as we're developing those recommendations. So that's why we keep it in the workshop at this time, even though we're pending some of that data utilized to develop those final recommendations. So, with that said, we'll continue to workshop these moving forward. We'll offer additional opportunities for discussion at the November and January meetings. At this point I'd welcome any comments from the commission or the public pertaining to these regulations. I will stick them with the same item, as they were put together in the agenda. This is deer 25-series, or exempt regulations for deer open season, bag limits and permits. As with the 4-series regulations, descriptions of those regulations and a summary of the content was included in the briefing book. This regulation is used, in part, to adjust management for antlerless deer harvest. In response to changing deer populations across Kansas, our ability to evaluate changes within those populations, at a management unit level, helps us adjust antlerless harvest. Opportunities, accordingly, is paramount to our management efforts. Recommendations for changes are still under development and we'll continue to workshop this moving forward with additional discussions in November and January meetings. Again, I would stand for any comments from the Commission or the public. Commissioner Gfeller - I do have something back on the 4-series, before you mentioned that new hunting equipment continues to be created, and people request using it. Matt and Stuart touched on a concern I've had for quite some time, about how we view technology in terms of our management responsibilities. Every new method, or every new piece of equipment, advantages the hunter and not the hunted. And so, it's a philosophical question I have. How do we as a commission, and you, as a department, begin to navigate those issues? I know Boone and Crockett is struggling with it. I think it's a really a big issue that is going to get bigger. George - I don't disagree. I won't pretend to wax philosophically about it. But a large part of that has to deal with, not wanting to squash people's desire to participate. It goes back to the recruitment, retention, and lack of hunters. Commissioner Gfeller - But again, it comes back to the philosophical argument of fair chase and ethics. So, I think the best we can do is have those discussions as a body and attempt to move the conversation forward. It seems we need to take the long view on all of these issues. So often hunter demands are kind of a short view, and its instant gratification, I think, is the way you describe it. Become a big, a bigger part of the hunting ethic. And but we've got a responsibility to take the long view on these things. So, I hope we have an opportunity to have these discussions, because they're important. Commissioner Carpenter – On carcass movement, was there going to be a handout or anything addressing that? George – Addressing that next on the agenda.

2. Carcass Movement Regulation – Jake George, wildlife division director, presented this regulation to the Commission. So, the carcass movement regulation is one that has been on the agenda and been discussed for a long time. Now, we've gone round and round and back and forth, made a couple of changes to the recommendation. The intent has been to determine the

best method for limiting the movement of carcasses, in an attempt to slow the spread of chronic wasting disease across the state. Discussions with the commission, public comments that we've received and a review of similar efforts in other states, chiefly states that have had movement bans in place for a decade, which poses a question of whether this should be a regulation versus education. And in light of us working on our holistic CWD plan, as the Secretary mentioned earlier, we have decided to pull this regulation from the agenda at this time. It's not punting. It's going back to the drawing table as a part of that holistic plan. We're going to bring it back forward. We're going to continue to review possible regulatory and educational options in order to limit that carcass movement going forward. We'll be back before the commission with revised recommendations in the very near future. So, it's not going away. But our inability to have movement over the last year and a half plus, if I remember correctly, with that regulation. I think we are going to rethink the direction that we're going with that. So that's where that one currently sits. Commissioner Carpenter, does that satisfy you? Commissioner Carpenter – That is fine. Commissioner Riedl – Looking at disposal regulations rather than recommendations on that issue? George – I think at this point we've considered everything, and we've looked at a lot of successes and failures in other states and tried to incorporate that. And we'll be back before you guys as we pull together that plan, which brings all of those things in and discusses our options. Secretary Kennedy - I thought it was best that we take a holistic approach, and rather than piecemeal potential strategies to deal with chronic wasted disease all at one time. Let's look at the whole plethora of strategies that we can use and then pick. Commissioner Mark - The one thing we've heard, some comments today, about how difficult it is. What you do out in the field and what's required of you out in the field, and I would just point out that I believe the vast majority of hunters want to follow the rules. So, we need to keep that in mind when we're putting forth something in this regard to make it safe and efficient, but also not burdensome, you know on the hunter in the field. I love the concept of the photos, and you know, on the way to do that. I believe one gentleman pointed out, and Commissioner Carpenter pointed out, it is kind of burdensome, so I hope we avoid anything like that. Secretary Kennedy – No more burdensome than we have to, but regardless of whatever direction we go through, you all will be involved in those decisions. As our team puts together information on proposed directions we should go, we will be looking to you to advise us and make those decisions that would be palatable for our hunters.

3. KAR 115-5 Fall and 115-25-6 Spring Turkey Regulations – Jake George, wildlife division director, presented this regulation to the Commission (Exhibit O). So, fall and spring turkey regulations as 115-25-5 and -6, turkey seasons, bag limits, permits and game tags. Jeff Prendergast presented the information pertaining to these regulations at the August commission meeting. The briefing book item has not changed regarding that information. Given that season dates for spring of 2025 were previously approved, and that the 2026 season staff recommendation is for no change to the existing bag limits, permits, or season structure. This will be the last workshop for this regulation, and we do not plan to bring it forward again until the next review cycle. Commissioner Gfeller – Not a question, but feedback I've gotten from people who participate in what used to be called the Governor's One Shot. Apparently, our non-resident draw has kind of created an issue there. What's the thought around that? George - We've had some discussions with them, and I think part of it was kind of a learning curve for that first year of it. That's part of the reason, before we made adjustments to things, that we wanted to give it a couple of years to determine how much of that was learning curve and people who didn't know about it. How much of an increase we're going to see in applicants now that people do know about it and they're aware of it. It was similar in Nebraska, when they implemented the nonresident quota up there. They did a first come first serve in the first year of that, they had



10,000 permits available, and it took them quite a while into the season to actually utilize all of them. The next year, their system crashed because so many people were trying to get on the system the first day. So, there's kind of a delay there in a learning curve. We've also had discussions with them about preference point system, and how that works which I'm not sure that they were aware of. As far as trying to plan in advance and having people available for those years, that got a preference point the previous year. So, you can essentially guarantee they'd be drawn for that next year. But we have been in conversations with them, and we'll continue to do so on ways that it can be addressed. Commissioner Gfeller - I will tell this person I've been in contact with.

4. Five-year Review of Threatened, Endangered, and Species in Need of Conservation Lists – Jordan Hofmeier, ecological services assistant director, presented this regulation to the Commission (Exhibit P, PowerPoint Exhibit Q). I shortened my presentation a little bit from the last one, so if people want a little bit more detail, I'd encourage them to go back to the August 29 commission meeting recording on our website. So right now, we're in the tail end of our 5-year review process of our threatened endangered species lists that wildlife and parks manages. I will start off with why we are talking about threatened and endangered species. Overwhelmingly, Kansas residents support the protection and listing of imperiled species in the state. The Kansas non-game and endangered Species Conservation Act of 1975 is a suite of statutes that provides authority to the department to protect, and conserve listed species. This act gives us the ability to list imperiled species as threatened, endangered, or species in need of conservation and describes a process for adding and removing species. Those are the two things I'm going to focus on. This act also describes the process for recovery plan development to try and bring these species back to a better population level. It provides permitting and enforcement authorities to the department and allows us to enter into conservation agreements with landowners interested in and making habitat improvements for these species. Kansas has three state listing levels, and those are endangered, threatened, and species in need of conservation species. Endangered and threatened species receive habitat protection as well as protection from take, which would be harm, harassment, destruction. Our lowest listing level is species in need of conservation, and those are afforded take protection, but not habitat protection. It is a lengthy process, this process started in July 2023, where we opened petitions to make adjustments to these lists. Anyone can submit petitions. That closed in October of last year. It then goes to our threatened and endangered Species Task Committee, made up of conservation professionals, primarily university professors as well as a couple of department employees, including myself. We review those petitions to determine if there is scientific merit to act upon them to move a species either on a list or between lists, or off the list. In December of last year, we evaluated those petitions and decided to move forward with three of those, which we brought before the Secretary. He agreed to move forward, and the next step was an expert review panel. So, the committee solicits input from experts on those species that are petitioned to be moved, and they provide their recommendations. We, as a committee, will use that information to make a decision on listing levels. During that process we're also traveling around the state conducting public information meetings on what we're doing. This is also an opportunity for us to collect information from the public on these potential list movements. So, based on the committee recommendation, the

species expert review and public information, the Secretary has agreed with our recommendations. This takes over 18 months, and I suspect we're going to be really close to the two-year mark by the time this is done. We have done public engagement, with the petition process, and engagement from the public with public information meetings. Zoom was a new option for us this year to try and increase engagement from the public. I was at the last commission meeting, discussing this same topic. We'll start with talking about the Shoal Chub, which is a species currently listed as threatened, we are proposing to move to species in need of conservation. But before I get into too many details, I want to highlight that the three species I'm going to be talking about are our success stories, in our minds, not necessarily because these species have gone through drastic recovery, but we have put a lot of effort into documenting where these species are now and how they're doing. Focused efforts from our very dedicated field biologists were able to improve our understanding of where these species are, how they're doing and what habitat they're using. Specific to the shoal chub we have an incredible stream survey program within our department, and they are, for the most part statewide, we've focused mostly on smaller streams in these surveys. A little less than a decade ago we started moving some of those efforts into larger rivers and as a result of that we were able to know where the shoal chub occur. Data from 40 years ago, and our more recent data, and we filled in a lot of gaps and found tremendous numbers of these compared to what we knew about historically. That is a large reason for our proposal to move this from threatened to species in need of conservation. The broad-headed skink is a similar story. There were a few that we knew the historical range of this species to be. Several years ago, we newly implemented a terrestrial survey program that goes out and looks for species. We have had our stream survey program for decades, but our terrestrial surveys focused more on land dwelling species. This was our pilot project. So, we spent four years in the summertime, exclusively looking for broad-headed skink as well as other members of the snake and lizard community. As a result, we know them to be much more broadly distributed in the state and numbers are much greater. We've found that they're using much broader habitat types than we previously suspected. So that supports why we're proposing to move this from threatened to species in need of conservation. The last species I'll talk about is the northern map turtle. It's a very similar story. Map turtles in general have been found to extremely difficult to trap, and so we partnered with Emporia State University to trap and use spotting scopes, which is a is becoming more widely accepted as a method for monitoring map turtles. The historical distribution had just a couple of points where we had documented the species in the 1990s, trapped between 2017 and 2019. We were able to document over a hundred of these, way more than we knew about in the past. So, we feel comfortable moving them from a threatened species to a species in need of conservation. Just to summarize, we are proposing to move shoal chub, broad-headed skink and northern map turtle from threatened to species in need of conservation. We're also going to propose to move to a durable date on special specimen possession, documentation. So, if somebody had a taxidermy specimen of a species that was about to be listed or moving up the list, contrary to what we're doing now there is a date associated with that. We allow them to acquire documentation of how they came about having that specimen. Right now, that is a static date. We're proposing to move that to more of a durable date. We also take this time to do some housekeeping to the scientific and common names as science progresses and we know more about the relationships between these species and their names sometimes change. We use Nature Serve naming standards for that purpose. We take these every five years and put into this format with those current scientific standards. I'll be at the commission meetings for the foreseeable future. But we do have a document repository for all the decision documents that have gone into this, and I encourage anybody, if they have questions later, to feel free to get a hold of me at that email address.

Commissioner Mark - We had a couple guests earlier talk about the ornate box turtle. I know we talked about how the department's investigating some of the criminality that can go along with that. But is there any indication that the ornate box turtle in Kansas would be endangered, threatened, or in need of conservation? Hofmeier - I can say specifically that nobody petitioned it to be listed this time. I know a lot of the concerns with that species are habitat, as we often go back to the conversion of grasslands versus cropland. There is just less habitat for box turtles. The possession limits were reduced several years ago, and the illegal trafficking is what it is. Changing those possession limits may not change the illegal trade. It's an enforcement issue. Commissioner Mark - I was just thinking in terms, if they are still watching, that I thought your comments would be helpful if you could weigh in on their question. Not at this time would be your answer. Hofmeier – Yes. Chairman Damron – Are these species doing better or we are doing better at finding them? Either one is good. Thank you.

5. Kansas River Invasive Carp summary and proposed snagging opportunity – Chris Steffen, aquatic invasive species coordinator, presented this update to the Commission (Exhibit R, PowerPoint Exhibit S). I'm going to talk to you today about invasive carp in Kansas. Specifically, we'll talk a lot about the Kansas River and a proposed opportunity for folks to snag those invasive carp. When I say invasive carp, I'm talking about these two species specifically, the big head and the silver carp. Most of what we have in our systems are the silver carp. These two species are long lived, can get quite large and are capable of large movements. More than 10 miles a day, but in some recent studies it has shown them to move up to 50 miles in a 24-hour period. They are ones that folks have seen on YouTube jumping 7 to 10 feet in the air, particularly when a boat drives by and spooks them up into the air. We've seen in some other locations across the Mississippi basin where these things have been found and work has been done. You can see some large declines in native fish and sport fish in the presence of these invasive carp. We are talking about the silver carp negative impacts, including when they land on folks that are trying to recreate in the water that they inhabit. In Kansas I'll show the distribution. How did they get here? Originally these species were brought into Arkansas in the early 1970s and by the late 1970s they were already documented in the wild. We are all connected to the Mississippi River basin in Arkansas, through the Kansas, Missouri and Mississippi rivers, and then they take a turn back up the White River at those fish farms. Within 10 years, by 1987, we had found big head carp in the Kansas River and four years later, in 1991, we also had silver carp. They were present, but they weren't in particularly large numbers. About 2010 or 2011, some high water events within the Missouri River system, and with reproduction, in those years you could see them at the 435 bridge. There were acres of these four-inch carp, a black mass of these little young of the year fish. So, 2010 to 2011 was really the start of these things being really abundant within the Kansas River. Distribution across the state, the Missouri River has them and many tributaries to the Missouri River don't because they have some sort of dam or a physical barrier to their movement. We also have a one-off population of big head carp that move up and down the Neosho River into Grand Lake. We're also working on those fish. The focus today will be the Kansas River. We have them where they can get into, but still concerned that they might move up. When folks are out collecting bait, it is a concern that they will catch them. We don't want them to move these fish so in the in the Kansas River there's a couple of structures. A couple of

dams that really have an impact on the distribution and movement of these invasive carp. About 15 miles from the confluence with the Missouri River we have the Water One weir or dam, or the 435 dam, it has several names depending on who you talk to. That structure stops fish most of the time. But anytime we get a flow of maybe 20,000 or 25,000 CFS, which happens a couple days most years, these carp can move up over that structure. Below that structure we see the small fish, some medium sized fish, and we see a lot of 6-pound fish that are just stacked on top of each other. This year, high water in late June, early July, up north in the Missouri River Basin, we have a lot of young of the year silver carp in this lowest section, the first really big spawn in five years in the Missouri River system. The next section is from above that Water One dam up to the Bowersock Dam in Lawrence. The Bowersock Dam is a much taller, a more formidable structure, which is nearly impassable for the carp. It is our only hydropower facility in the state, on the north and south end, and has a tall dam that has a large drop. It takes a lot of water before the fish can pass this structure. That leads to a situation we have between those two structures where we have largely resident fish. We know, from some work we did on them, that they've spent their entire life in the Kansas River and they're larger than those fish below. What that tells us is they're probably larger because there are less of them and there's more food to go around. This opens up an opportunity for us that I'll talk about shortly. The third segment is everything above that Bowersock Dam. To date we only have only six records of big head carp above that structure. The last high flow event was in 1993, and these fish were all captured after that event. So, we don't think there's any reproduction up there and we haven't been able to capture any more. If there are still some out there, because they can live 30 plus years, there is not many of them at this point in time. We do know, after that north powerhouse was added, that maybe there's a little more pass-ability on that structure for those fish. So, we received a grant and are working with the city of Lawrence, who owns the dam and Bowersock powered mills that operates the hydropower, to install a physical deterrent. It's called the headbanger, the fish jump up, they run into these bars, and they fall back into the river. We think these fish can maybe get into that north powerhouse at 52,000 CFS, this would protect us from that 52,000 CFS all the way to 120,000 when they could potentially swim over the rest of the dam. So, 99 out of 100 years, this thing will catch any fish that tries to get over it. It's just those big years, like 1993 that they could get over the rest of the dam. So, in that section in the middle we saw a real opportunity. There are a limited number of fish, with not enough area for them to reproduce. Occasionally these fish can move up into this section and we don't want them. Should we have a 1993 flood event, we don't want them to move up above the Bowersock, about 37 miles of river. We are working to remove the carp there. We have a crew of guys, which are grant funded, that are out there every week removing carp. Population wise, we feel like we're having a real impact on those fish there. As we're working on this section of river, we didn't really have a good feel for anglers, angler use and perceptions of these fish. In 2022, we did a survey, spring through fall, just going out and talking to the people on the river and asking them what they thought of the carp, how the carp impacted them. Can you identify these carp, or did they even know they were there. There's 15 miles of river between the confluence with the Missouri and that Water One dam. There's only three access points for anglers. We've got Kaw Point boat ramp right at the confluence, Turner Bridge boat ramp about halfway up, and then that Water One dam. Those folks are parking about three-quarters of a mile away, paying the park, and then hiking all the way in there to fish. What we found was incredible. We knew we had a lot of folks there, right in Kansas City, but we had 80,000 estimated angling trips on these 15 miles of river. To put that in perspective, Milford Lake, our crown jewel of fishing that has a lot of traffic there, sees about a 120,000 fishing trips spread across the whole lake, with more than a dozen access points. So, we have a whole lot of folks wanting to recreate on this river here, even if they only have those three access points. One thing we found is, these fish certainly have a negative impact on some people,

and they can jump in your boat and hit you and some people have been injured. We also have a really good catfish fishery in that lowest section of river, and people are putting these carp to use as bait. We are worried about these carp for a lot of reasons. There is a plus side, there's a group of folks that want to get their hands on these carp and we do have some folks that are eating them as well. I guess I'll advocate here for eating them, they are tasty. They have a weird bone structure, so cleaning them is a little bit different than your standard walleye or crappie. But once you trim them up, you have a lot of nice white meat, just a little bit bonier, so it's more work. We have folks that want to get a hold of these fish, and they're really limited by the current methods of take. So, we thought we could allow them to snag at the lowest part of the river. We took a couple of the different committees, within the Fisheries Division, and went out and did some snagging there to gather some data. Firsthand boots on the ground type information. We found about 70% of the fish we caught were invasive carp, we had some other species captured, some catfish, gar, buffalo, shad, and a couple paddlefish as well. As much as everyone likes to think that snagging is just to go out, and you're going to catch a pile of fish, it turned out that our catch rate per angler was only about 1.4 fish per hour, and about one of that was a silver carp. Snagging is physical activity. The Kansas River has a lot of rocks and debris and a lot of snags and hang ups where it's not the easiest place to snag. But you know if you work for your fish, you're going to get a fish. An hour is about what we caught on those carp. What we're proposing here is to allow snagging of these invasive carp from that Water One weir downstream to the confluence of the Missouri River. It's that lowest 15 miles and has those three shore access points. We would like to limit snagging, or limit harvest of snagged fish, just to those big head and silver carp. Especially the larger fish that folks are going to encounter are readily identifiable to the eye. Once they get a little bit of size, their eye is below their mouth, a readily available identification characteristic. We would propose using some of the regulations we have on our other snagging opportunities. So, barbless hooks that just allows release and minimal mortality to non-target species. We'd like to open this year-round, and not proposing any special permit. So, if you had a fishing license, you could go out there and participate in snagging these invasive carp in that location. No creel or possession limit on those invasive carp and currently, through our prohibited species list, we don't allow folks to possess these alive, and we want to continue that regulation. So again, it's just 15 miles down on the lowest part of the river. We have a lot of folks on this section of river, a lot of folks that would like to either use these for bait or some other purpose. They are really limited by current methods of take that are allowed in that section. The cons would be, potentially someone could feel like they need to spread these fish and that is already illegal, so we hope that wouldn't happen. Bycatch of other species is one of our biggest concerns. That's why we've got the rules on the barbless hooks as we would expect survival to be very high, well over 90%. The other concern is littering of carcasses. we don't want folks throwing these things up on the riverbank. Nobody likes to fish around a whole bunch of rotting fish. We would anticipate putting up a bunch of signage to help folks understand the new rules and not to leave these fish laying on the bank. Chairman Damron - Thank you, Chris.

Commissioner Carpenter – So, you could kill them and throw them back in the water? Is that one way to get rid of them? Steffen – Correct, you would be able to do that. This is the fourth time we have workshopped this one. So, I would like to be given approval to move this to promulgation. Chairman Damron - Do the new commissioners and the rest feel we have enough

information to move forward? I know we've heard this before. If not, would it be appropriate to ask for a motion to approve? Chief Counsel Wiard - Yes, a voice vote would be sufficient. Chairman Damron - Very good. Is there a motion to approve motion, to approve? **Commissioner Emerick Cross moved to send to promulgation, Commissioner Bruce Riedl second.** Chairman Damron - We have a second, any discussion? Commissioner Mark - I have one question. Can you take them with archery equipment like you see in the boats? Steffen - Correct, you can already take them with archery equipment. Chairman Damron - All in favor, say aye? Any opposed say no? **Motion passed.**

6. Invasive species regulations - Chris Steffen, aquatic invasive species coordinator, presented these regulations to the Commission (Exhibit T). We have a reference document for invasive species designated water. This is lakes that have invasive carp, white perch, or zebra mussels. Species that are most harmful and impactful invasive species. In December of 2023, Gardner City Lake was found to contain zebra mussels. So, we would like to add that location to the AIS designated waters list. We would also like to move this regulation forward to promulgation. Chairman Damron - I accept the request to advance the amendment to 115-7-10 as outlined by Chris. Motion to move to promulgation? **Commissioner Emerick Cross moved to send to promulgation, Commissioner Bruce Riedl second. Motion passed.** Commission Delia Lister was not present for the vote.

7. Sportfish versus non-sport fish regulations - Nick Kramer, district fisheries biologist and regional habitat coordinator at Perry, presented these regulations to the Commission (Exhibit BB, PowerPoint Exhibit U, PowerPoint Exhibit V). You have heard this regulation three times at previous meetings. It's on the agenda as sportfish versus non-sport fish regulations, for clarification, wanton waste possession regulations to protect our native fishes. We have two regulations in Kansas that apply to possession or wanton waste of fish. The first, and the oldest one, is 115-7-4, which deals with fish processing and possession. Each person who has taken any fish shall retain the fish in that person's possession until any of the following occurs, with the keyword here, being any fish. We also have 115-18-8, which fish was not originally in this regulation but added sometime after 2000. This regulation also deals with retrieval and possession of game animals, sportfish, and migratory game birds. and says, each game animal, sportfish or migratory game bird retrieved shall be retained until any of the following occurs, the key word here being sportfish. So, we have two different regulations that each deal with possession and processing of fish. They apply to slightly different things. One applies to any fish, and the other applies to just sportfish. Both have to be either consumed, processed, transported to a person's home, transferred to a place of commercial preservation, or given to another person. In 115-7-4, the original processing and possession regulation for fish, has wording that indicates that fish need to be returned unrestrained to the water, basically catch and release. If they aren't being kept, they can be disposed of at a designated disposal location. There are also a few other differences. 115-7-4 has some wording about any fish, subject to any length limit, must leave the head, body, and tail fin attached on the water, so you can't be cleaning your 10-inch walleye on the water and then pass it off as a crappie. So, you have to keep at least some identifying part intact, just in case you get checked. 115-18-8 had some reference to making a reasonable effort to retrieve the wounded dead sportfish. What this excludes is our non-sportfish. In our definition regulation, 115-1-1, we have non-sport fish defined as common carp, silver carp, big head carp, black carp, grass carp, drum, threadfin and gizzard shad, goldfish, gar suckers, including the carp suckers and buffalo, eel, sturgeon, goldeye, white perch, and bowfin. This definition is somewhat vague in that some of these species, such as sturgeon, is lumped together with pallid sturgeon, which is a federally endangered lake sturgeon, which I believe is state threatened. Then we have

the shovelnose sturgeon, which is protected from commercial harvest, because it's so similar in appearance to the endangered pallid sturgeon. So, we have all three of those lumped into one and there's other fish as well that are lumped in there with no real breakdown of what exact species are considered. So, I guess there's all the non-native or invasive fish. As I've told you, at past few regular commission meetings, we're looking to protect all fish under possession and wanton waste regulations. By doing that we'd be making several changes to I believe five of our regulations. The first being the definitions. Currently we have definitions of both sportfish and non-sportfish, we would be removing those definitions. The rest of the changes to our regulations are basically chain reactions to that. We would be getting rid of the definitions of sportfish and non-sportfish and 115-7-1, which deals with fishing, legal equipment, and methods of take, we would be removing the sportfish and non-sportfish where referenced, and then adding a list of species that can be targeted with gears if they're not open to all fish. In our regulations I would just mention that sportfish or non-sportfish could be targeted with gears. Instead, we would be removing gear that could target fish or previously targeted non-sportfish. Instead add in this list of fish that could be targeted. A more exact list that breaks out some of those and excludes some of those ones that could have previously been interpreted as being included in the non-sportfish list. I won't read through the entire thing. I will point out that instead of lumping all sturgeon into the previous list, we now have shovelnose sturgeon specified. In 115-7-1, it was previously broken into sections A and B. Section A referred to the methods that were legal for the take of sportfish and Section B was the list of methods legal for non-sportfish. Since we are getting rid of those definitions, we had some gears, or methods, that were allowed just for non-sportfish, such as bowfishing, gigging, and spearing. That wording had to be moved into Section A by adding some subsection points. 115-7-2 is general provisions. It had some wording about snagging of the paddlefish in there, locations that are legal. You can also snag non-sportfish during the paddlefish snagging season. So, in 115-7-2, we removed the sportfish and non-sportfish were referenced. Then added that list of species that can be snagged at designated waters during paddlefish snagging season. 115-7-4, was our fish processing and possession. We again removed the sportfish and non-sportfish were referenced, and then added that common carp and prohibited species may be returned dead to the water from which they were taken. In 115-18-8, again we removed sportfish, and non-sportfish were referenced, and added that common carp are prohibited species that can be returned dead to the water from which they were taken. Another point on this one dealt with the previous wording, that nothing in this subsection shall prohibit the catch and release of live sportfish, or our way of working around this was, nothing in this subsection shall prohibit the catch and release of live fish caught using hook and line, trotline, setline, tip-ups, hand fishing, snagging, and float lines. This does exclude bow fishing, spearing, and gigging. Those are of a larger diameter penetrating tool. In recent studies out of Oklahoma, they found very high mortality associated with bow fishing, specifically within 24 hours of being protruded with these gears, so we exclude that. Any fish, if these regulations are adopted, would be struck with these gears. Bow fishing would have to be kept and follow the proper guidelines as set in 115-18-8, or 115-7-4. Commissioner Carpenter – Back up a couple slides, you added common carp, and the prohibited species may be returned. Is there a better word for that than prohibited species? Kramer – We have a list of prohibited species listed in 115-18-10, so we have a list of those. I just try to make it easy on our folks that are trying to deal

with this prohibited species. Commissioner Carpenter – So it would be list out? Kramer – Yes. On the final slide. Chairman Damron – Any questions? Kramer – We are asking to move these regulations into promulgation. Chairman Damron – I would accept a motion to advance these regulations to promulgation? **Commissioner Emerick Cross moved to go to promulgation, Commissioner Warren Gfeller second.** Brian Sowards – Have you received any comments? Kramer - No. **Motion Passed.** Commission Delia Lister was not present for the vote.

#### **F. Regulations in Promulgation Process (Exhibit W)**

Chairman Damron – These are the ones that we have sent to promulgation process. Chief Counsel Kurtis Wiard – These are the ones that have you voted on to move on. This list was put together by my predecessor. There is one action item I need you to take here. It looks like in 115-4-4, was the regulation that removes lead on the muzzle loader requirement, opening it up to any kind of hard cast rounds. Apparently, there was general consent, but there was never a vote. So, I would ask that the commission take a formal vote to move that into promulgation, just for good records. Chairman Damron - Very good. We had that earlier today at least, the reason for doing that because of change in ammunition, used for questions the commissioners had on that regulation on page 2, 115-4-4. Need a motion to move forward as requested by Counsel. **Commissioner Will Carpenter moved to formally go to promulgation process, Commissioner Bruce Riedl second.** Any discussion? Very good. All those in favor say aye; opposed, say no. **Motion passed.** Commission Delia Lister was not present for the vote.

Chief Counsel Wiard – Would the commission like to have this all listed out here? I have some concerns because we provide this information to Sheila, and then it's passed on to you. But this information here in the parentheticals changes so rapidly, day to day, that much of it is out of date by the time we get to the commission meeting. I would propose, if the commission is okay with it, just moving this part of the meeting to my department report. At that point, if any of the commissioners are curious about process on a particular regulation, you could feel free to ask me, and I could give you an update at that meeting. Are there any thoughts or discussion on that? Chairman Damron - I would have no objection. Commissioners, do you have comments? All Commissioners – Okayed for future. Chief Counsel Wiard - I will just remove this part, and you can ask me if you have any specific concerns. Thank you.

1. KAR 115-2-3 Camping, utility, and other fees - (Through the approval process and waiting on more commission meetings to be scheduled to be scheduled to publish the Notice of Public Hearing).
2. KAR 115-8-1 Public Lands regulations - (Changes to this regulation will no longer be pursued at this time)
3. KAR 115-8-26 new Public Lands regulation - At Attorney General's (AG) office
4. KAR 115-4-4 Big game; legal equipment and taking methods – (Waiting on Edits)
5. KAR 115-25-8 Elk 25-Series Regulations – (Approved by Attorney General and will move onto Secretary of State in the same way as 2-3).
6. KAR 115-25-9a Military Deer Seasons – (Approved by Attorney General and will move onto Secretary of State in the same way as 2-3)
7. KAR 115-2-1 Trout Permit Cost – (Waiting on edits, specifically EIS)
8. KAR 115-25-14 Fishing regulations – (including reference document) – (At Department of Administration's Office)

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



Commissioner Gfeller – I had a constituent ask me a question and I would like to know the answer. He has two sons that live out of state, which come home for Thanksgiving, have a 3-day hunt and used to be able to get a 3-day license. But now they have to get a full season license? What is reason behind that? Deputy Secretary Schrag – It was a 48-hour waterfowl permit. We will research and get back to you on that. I can't recall off the top of my head, why that was changed. I will find out and share with all the commissioners.

## **VIII. OLD BUSINESS**

*None*

## **IX. OTHER BUSINESS**

### **A. Future Meeting Locations and Dates**

Had discussions on future meetings. November and January are already in place.

*November – 21<sup>st</sup>, Great Plains Nature Center, Wichita*

*January 30 – Fossil Creek Hotel, Russell*

The following were chosen.

***March 27, Topeka (possibly Library for location)***

Commissioner Carpenter – Sean. Miller was on Webex earlier and I think it is important to the Commission to make sure that we are making every effort to reach out to our constituents. Social media, you name it. I know it's difficult in this day and age to try to catch everybody. But I do think it's important that we make every effort to make sure that our folks are informed about our meetings and about what we're dealing with. The last thing. I think it's not in anybody's interest to do these things and then find out when the regulations go into effect, that we've got a firestorm of people that didn't even have a clue that we were dealing with it. So, I would like to see, maybe at the next meeting, what our avenues are to make sure that we are touching base. I don't do much social media or anything else, but I do know that is viable information, anything we can do to get the word out so that we're not blindsided by something out here that we've not even heard of. That was an issue. And the next thing, when we pass it and it goes into effect, and we've got a firestorm, we need to deal with that. So that's my thoughts. Secretary Kennedy – I agree with your sentiments. We have already been talking about that. Even today, we have been talking about that very issue. I look forward to providing you an update on where we are at our next meeting. Chairman Damron – Thank you, we appreciate your attendance and everything you do for us and information provided. Safe travels.

## **X. ADJOURNMENT**

*Adjourned at 4:29 pm.*