

Approved: 3-5-97
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Steve Lloyd at 3:30 p.m. on February 12, 1997 in Room 526-S of the Capitol.

All members were present except: Rep Eber Phelps - excused
Rep. David Huff - excused
Rep. Vaughn Flora - excused
Rep. Marti Crow - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Hank Avila, Legislative Research Department
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Steve Williams, Secretary, KS Department Wildlife and Parks
Keith Sexson, Chief Wildlife Section, KS Department Wildlife and Parks
Mike Theurer, Director, Administrative Services Division, KS Department Wildlife and Parks

Others attending: See attached list

Chairman Steve Lloyd called the meeting to order at 3:30 p.m. He welcomed staff members of the Kansas Department of Wildlife and Parks, who will be briefing the committee today on the deer population in Kansas.

The Chairman welcomed Steve Williams, Secretary of Wildlife and Parks to the committee. Secretary Williams distributed information on deer damage and landowner's options for addressing the problem. (See Attachment 1) He briefed the committee on the problems resulting from the deer population and the measures the department is taking to control it. Their goal is to manage the deer population at levels consistent with existing habitat and landowner tolerance, and to provide for recreational use.

The Chairman welcomed Keith Sexson, Chief of Wildlife Section, to the committee. Mr. Sexson briefed the committee on harvest management, (See Attachment 2) which is currently the prime focal point for deer herd management and the most effective tool for controlling deer populations. Establishment of deer harvest objectives consider population status; deer species; quality buck (trophy) management; hunter management; and landowner tolerance levels for deer and deer hunters. He discussed the two kinds of deer in Kansas, the whitetail deer and the mule deer and how they differ. He called attention to a map, (page 3 of Attachment 2) 1996 Kansas Deer Management Units, and Graphs, (page 4 of Attachment 2) showing Deer Population Trends in Kansas, Firearm Deer Permits and Firearms Deer Harvest. Mr. Sexson discussed the 1997 season recommendations. Discussion and questions by the committee followed.

The Chairman welcomed Mike Theurer, Director of Administrative Services Division. He briefed the committee on deer hunter applications, hunting permits, and how they are issued. He was asked by the Chairman to submit to the committee, in writing, the statistics on the various types and numbers of permits, which he agreed to do. Discussion and questions followed.

Chairman Lloyd thanked the conferees for their presentation and reviewed the agenda for the next meeting.

The meeting adjourned at 5:25 p.m.

The next meeting is scheduled for February 13, 1997

The purpose of this brochure is to outline options landowners may use to address damages caused by deer. Nonlethal techniques are described in a brochure produced by the Cooperative Extension Service titled, "Controlling Deer Damage." A site-specific recommendation may be requested from any District Wildlife Biologist (DWB) of the Kansas Department of Wildlife and Parks (KDWP). Permits authorizing lethal control measures and possession of a deer carcass outside normal deer hunting seasons are available from the DWB.

Deer occur in all counties in Kansas. Dramatic changes have occurred in their populations since 1850, going from abundant to nearly absent and then returning to their present levels. Kansas is one of the last states in the nation to have its deer herd recover from extremely low levels following an era of over exploitation, lack of protection, and habitat changes. Our deer herd has adapted to human presence and prospered on the habitats created by agriculture. One of the consequences of a deer population living in close proximity to man is damage to property, especially crops.

DEER MANAGEMENT GOALS

Deer are protected by both state law and regulations enacted by the Kansas Wildlife and Parks Commission. Provisions are authorized to allow for wise use and management of this resource. Deer management in Kansas is directed by long-range planning that includes input from citizens of the state as well as wildlife professionals. The goal of this process is:

"...to manage the deer population at levels consistent with existing habitat and landowner tolerance, and to provide for recreation use".

LEGAL OBLIGATION

The Bill of Rights of the Kansas Constitution provides landowners with a qualified right to protect their property. That

right may be applied to deer damaging crops. However, both court decisions and Attorney General opinions have shown that there are limitations and obligations for landowners before they may kill deer that are causing damage. The landowner must demonstrate that deer caused substantial damage to property and that nonlethal remedies provided by law to alleviate the problem have been exhausted.

DEER CONTROL PERMITS

The Kansas Wildlife and Parks Commission enacted regulation K.A.R. 115-16-4, which authorizes the secretary to issue deer control permits. This regulation provides landowners with a legal means of controlling deer and using the remains of deer that are killed during this operation. The permits are intended to address localized problems of a temporary nature. District Wildlife Biologists of the KDWP are responsible for working with landowners in implementing deer damage control permits.

A biologist will contact landowners within five working days of notification of a deer damage situation. The DWB will inspect the area with the landowner and provide advice on procedures to alleviate the situation. The DWB will provide an application for a damage control permit and assist the landowner in completing the application if the permit is determined appropriate for the situation. Department guidelines are available to assist the DWB and the landowner in the decision to issue a damage control permit.

Each deer damage control permit is written for a specific case. If authorized, the permit will allow the landowner to kill a prescribed number of deer on his or her property. Harvest of antlerless deer will be emphasized during control operations. Deer population growth is influenced by the number of does in the population and the quality of the habitat available to them. Since the first modern-day deer hunt in Kansas in 1965, the KDWP has stressed the im-

portance of harvesting antlerless deer in order to regulate the growth of the population. This continues to be stressed with deer damage control permits. Possession tags will be assigned to the landowner. The landowner will be responsible for the control operation and affix a tag to each deer killed. Landowners will be required to follow prescribed procedures and to provide information on the results of their control efforts. Damage control permits will only be issued to address ongoing damage.

DAMAGE CONTROL PERMITS WILL NOT SOLVE ALL PROBLEMS

A deer damage control permit is not the answer to all situations in which landowners are suffering losses caused by deer. Some situations will continue to attract deer even when numerous deer have been removed. Certain high value crops, such as orchards and nurseries, cannot be effectively protected using firearms and damage control permits. These highly vulnerable crops are subject to sporadic but intense damage. Fencing to exclude deer from these areas will be more effective than attempting to shoot deer as they enter the area.

DEVELOPING A MANAGEMENT PLAN

The most effective means of controlling the growth of deer populations and the resulting damage they cause is through regulated hunting during established hunting seasons. This approach places sufficient hunters in the field to harvest deer over a wide area, and it provides benefits to these people in the form of meat and recreation. It also provides benefits to society in the form of economic returns to communities. It is estimated that in 1991 deer

House Enactment
8-18-97 Attachment 1

hunters in Kansas spent approximately \$27 million on retail sales and added \$60 million to the state's economy. Regulation of permit numbers and permit types available to hunters ensures that sustained harvests will occur. However, local deer populations may develop that negatively affect some agricultural producers. Deer control permits may be used to address these situations.

Landowners are encouraged to rely on regular harvest season efforts to help control deer populations. Encourage your neighbors to allow deer harvest on their lands. Allow licensed hunters permission to hunt on your property, and encourage hunters to take antlerless deer in areas that are experiencing crop damage. Occasionally, deer move substantial distances (5-15 miles) between croplands they use in the summer and heavy cover they use in the winter. Therefore, it is necessary for landowners to work together in addressing deer damage problems.

CROP DAMAGE CONTROL SUMMARY

In summary, depredation control measures which landowners and operators should attempt before seeking a deer control permit include.

- ☛ Modify cultural practices, such as harvesting crops as early as possible or planting lure crops.
- ☛ Use deer frightening devices such as propane cannons, pyrotechnics, or dogs.
- ☛ Use repellents or deterrents.
- ☛ Allow hunting during regular deer seasons.

If such measures are not feasible, or fail to alleviate damage problems, deer control permits may be issued after the following conditions have been met:

- ☛ A documented complaint has been received from the owner/operator/manager.

- ☛ An on-site inspection by the DWB and owner/operator/manager has confirmed substantial deer-caused damage.
- ☛ The owner/operator/manager has presented evidence that regular hunting and non-lethal control methods have been exhausted.
- ☛ The owner/operator/manager has completed a deer control permit application.
- ☛ Damage is on-going and anticipated to continue.
- ☛ Destruction of deer under authority of the control permit is expected to alleviate immediate additional loss of property value.

For further information about deer control permits contact your local District Wildlife Biologist or the regional office nearest you.

REGION 1 OFFICE

PO Box 338, US 183 Bypass
Hays, KS 67601 (913) 628-8614

REGION 2 OFFICE

3300 SW 29th
Topeka, KS 66614 (913) 273-6740

REGION 3 OFFICE

808 MacArtor Rd
Dodge City, KS 67801 (316) 227-8609

REGION 4 OFFICE

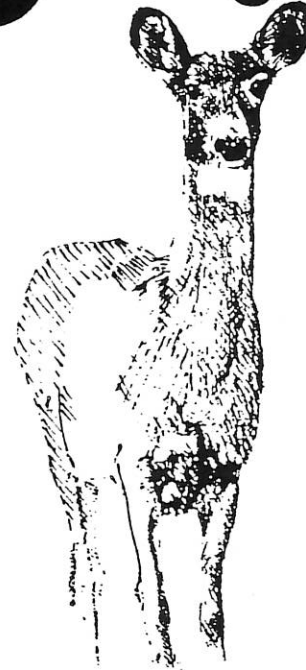
6232 E 29th St. N
Wichita, KS 67220 (316) 683-8069

REGION 5 OFFICE

1500 W 7th, PO Box 777
Chanute, KS 66720 (316) 431-0380

Equal opportunity to participate in and benefit from programs described herein is available to all individuals without regard to their race, color, sex, religion, national origin, age, handicapped or disability status, or political affiliation. Complaints of discrimination should be sent to the Office of the Secretary, Kansas Department of Wildlife and Parks, 900 Jackson Street, Suite 502, Topeka, KS 66612.

Deer Damage



Landowners' Options for Addressing the Problem



Kansas Department of
Wildlife & Parks
September 1996

1-2

Deer Management Discussion
February 12, 1997

GOAL: To manage the deer population at levels consistent with existing habitat and landowner tolerance, and to provide for recreational use.

Deer management, in its broadest sense, includes these five essential components:

- 1) programs to provide knowledge and understanding of deer biology, behavior, and ecology;
- 2) surveys to monitor population, habitat, and user groups characteristics and trends;
- 3) information and education to enhance public understanding and support of deer management programs;
- 4) enforcement of laws and regulations designed to manage deer populations; and
- 5) management of deer habitat and harvest.

HARVEST management is currently the prime focal point for deer herd management AND the most effective tool for controlling deer populations.

Establishment of deer harvest objectives consider the following factors:

- 1) population status;
- 2) deer species;
- 3) quality buck (trophy) management;
- 4) hunter management;
- 5) landowner tolerance levels for deer and deer hunters.

Continue deer management program so that the population is:

- 1) managed within landowner tolerance limits,
- 2) producing quality bucks for those who hunt deer, and
- 3) producing significant days of deer hunting opportunity.

1997 Season Recommendations:

- 1) Increase firearms permits, particularly those allowing harvest of antlerless deer.
- 2) Liberalize use of leftover firearms permits (valid for use during early muzzleloader and archery season.
- 3) Open all managements units for use of unit antlerless archery permits. Unit permits to be valid for any white-tailed antlerless deer.
- 4) Make statewide archery permit a secondary permit, thus allowing persons to have both a firearms and a statewide archery permit.
- 5) Make Unit 17 and 18 hunt-own-land permits good for any white-tailed deer or a mule deer buck.

House Environment
2-12-97
Attachment 2

Other Future Deer Management Considerations:

Items for future discussion concerning deer population management and hunting opportunity include:

Urban deer - to address increasing deer populations in urban and suburban communities.

Crop damage hunt areas - to work in cooperation with landowners to identify, and make available for public deer hunting, small areas where herd reduction is desired. Areas may be designated for antlerless harvest only. Areas may be open during regular seasons and/or pre or post season hunts could be developed.

Bonus deer permits - identify additional units or subunits where bonus antlerless permits could be issued.

January muzzleloader season - offering additional hunting opportunity and harvest outside the regular deer hunting framework. Other special seasons that encourage needed harvest and offer additional hunting opportunity will be considered.

Youth deer hunts - providing a period for deer hunting by youth separate from the regular seasons could contribute to increased participation in deer hunting by youth and adults.

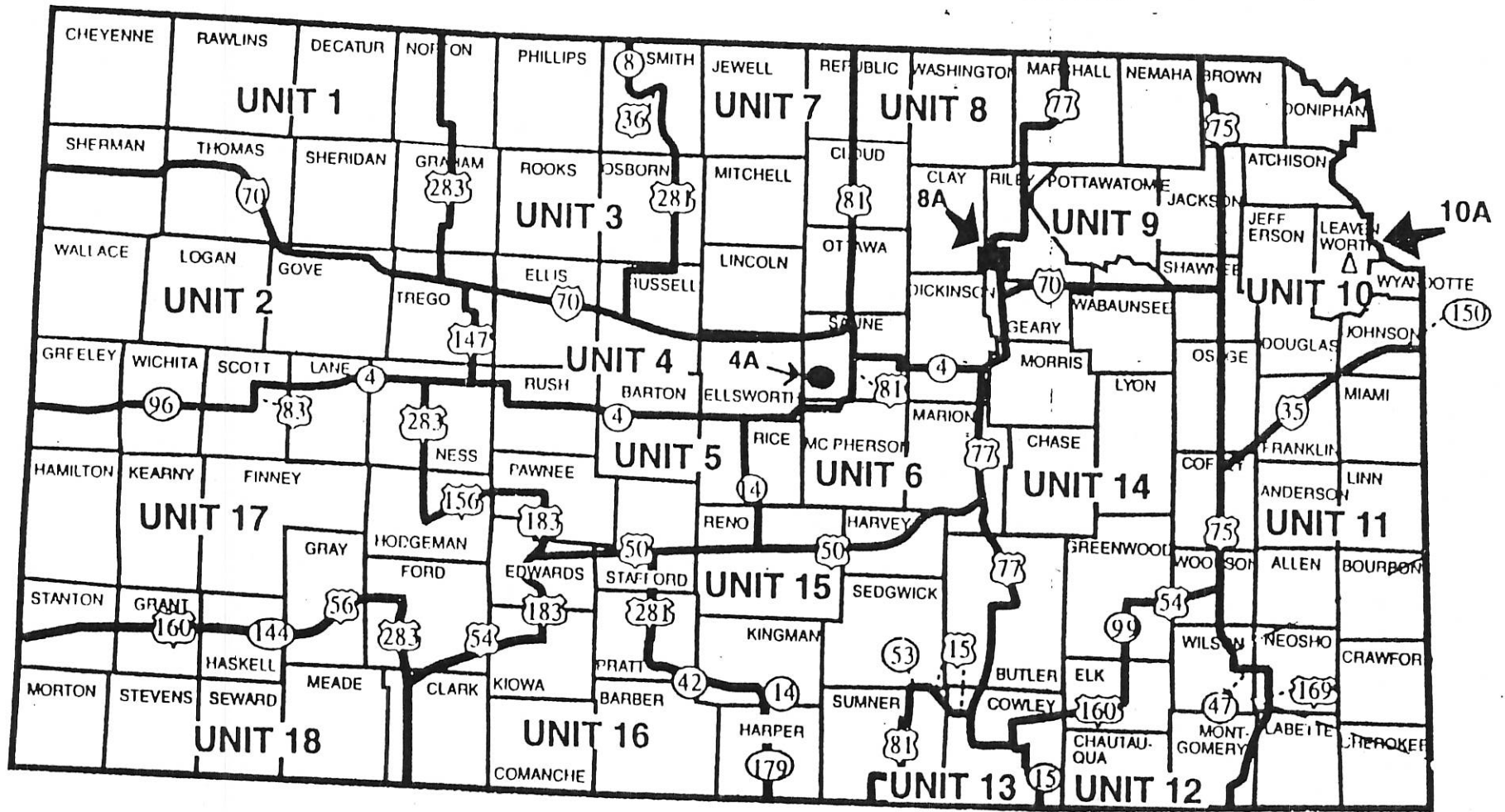
State parks - opening appropriate state park properties to deer hunter access.

Management unit boundaries - review current unit system for best management of harvest and hunting opportunity.

Monitor population and public interest in deer - improve system for obtaining information from public relating to deer management issues and concerns; including landowners, hunters and general public. Improve techniques for measuring change in deer herd size and hunter harvest.

Regulations review - continue review of laws, regulations and the permit application process to ensure that they serve for managing the deer resource and hunting opportunity.

1996 KANSAS DEER MANAGEMENT UNITS



● SMOKY HILL A.N.G. RANGE, UNIT 4A

■ FT. RILEY, UNIT 8A

△ FT. LEAVENWORTH, UNIT 10A

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'STWD Deer Population Trends in KS

KDOT data, 1980 - 1995

Deer killed per billion miles

