

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on March 7, 2000 in Room 231-N of the Capitol.

All members were present except: Rep. Henry Helgerson - excused
Rep. Becky Hutchins - excused

Committee staff present: Raney Gilliland, Kansas Legislative Research Department
Mary Torrence, Revisor of Statute's Office
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Margaret Fast, Kansas Water Office, 109 SW 9th, Ste 300,
Topeka, KS 66612-1249
Terry Duvall, Kansas Water Office, 109 SW 9th, Ste 300,
Topeka, KS 66612-1249
Wes Traul, 11464 NW 2100 Road, Garnett, KS 66032
Lee Robbins, 1181 Hwy 54, Yates Center, KS 66783
Senator Robert Tyson
Senator Edward Pugh
Bill Fuller, KS Farm Bureau, 2627 KFB Plaza, Manhattan,
KS 66505
Mike Beam, KS Livestock Association, 6031 SW 37th,
Topeka, KS 66614-5129
Secretary Steve Williams, KS Department Wildlife & Parks,
900 SW Jackson, Ste 502, Topeka, KS 66612-1220
Dennis Brown, 13661 S. California Road, Carbondale, KS
66414
Jess Hoeme, 20463 SE 20th, Pratt, KS 67124
Shawn Harding,
Spencer Tomb, KS Wildlife Federation, 5321 Thompson
Road, Manhattan, KS 66503

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that testimony from Kansas Rural Water Association on **SB388**, which was heard on March 2, 2000, had been distributed for the committee to review. (See attachment 1)

The Chairperson opened **SB500** for public hearing.

SB500: An act concerning employees of the Kansas water office.

Margaret Fast, Unit Manager, Kansas Water Office, was welcomed to the committee. She appeared on behalf Al LeDoux, Director of the Kansas Water Office, in support of the bill. This bill moves the position of Assistant Director of the Kansas Water Office from the classified to the unclassified service. Although this transition would take effect when the position becomes vacant, the bill allows the incumbent to voluntarily request a transfer to the unclassified service. As an unclassified position, the Assistant Director would serve at the pleasure of the Director; the salary for the position would be set by the Governor. (See attachment 2) A proposed amendment to the bill was provided with suggested language from the Revisor's Office that would set January 15 as a common term expiration date.

The Chairperson closed the hearing on **SB500**. She opened **SB500** for discussion or possible action.

Rep. Gerry Ray made a motion to adopt the amendment. Rep. Douglas Johnston seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on March 7, 2000.

Rep. Dan Johnson made a motion **SB500** be recommended favorable for passage as amended. Rep. Vaughn Flora seconded the motion. Motion carried.

The Chairperson opened **SCR1630** for public hearing.

SCR1630: A concurrent resolution urging the Kansas Water Office to pursue the purchase of water supply storage capacity in Kanopolis Reservoir from the United States Army Corps of Engineers.

Terry Duvall, Kansas Water Office, was welcomed to the committee. She testified in support of the resolution. In December of 1985, a Memorandum of Understanding (MOU) was signed with the Corps of Engineers, giving the State of Kansas the right of first refusal to buy storage space reallocated from water quality to water supply in federal lakes at original construction costs and interest rates. Kanopolis Lake was not included in the list of lakes covered by the MOU because of complications relating to how a proposed pool raise would be funded, and questions relating to use of water made available by a pool raise by local irrigation interests. That MOU expired on June 30, 1996. The Kansas Water Office has been in contact with the K.C. District of the Corps of Engineers regarding their interpretation of the language of legislation that was approved by Congress during the 1999 Session, which would make Kanopolis storage available to the State of Kansas at a reasonable cost. (See attachment 3)

Chairperson Freeborn closed the hearing on **SCR1630**. She opened **SCR1630** for discussion and possible action.

Rep. Dan Johnson made a motion **SCR1630** be recommended favorable for passage. Rep. Laura McClure seconded the motion. Motion carried.

The Chairperson opened **SB568** for public hearing.

SB568: An act concerning big game; relating to nonresident deer permits; concerning reduction of certain deer populations; relating to disposition of certain fees.

Rep. Gerry Ray gave a preliminary report on what the sub-committee on deer issues has done to date. They have had two meetings and have come to a consensus that they will use **SB568** as a vehicle for a deer bill. They do plan to remove the amendments that were put in the bill on the floor of the Senate. They have language that has been worked out between the sub-committee and other interested parties and plan to meet at 3:30 p.m., Monday, March 13, and will report back to the full committee on Tuesday, March 14.

Wes Traul, Garnett, KS, was welcomed to the committee. He testified in support of the bill as a landowner and hunter. In listening to the opposition of the bill, he continually hears that landowners will price their resident Kansas hunters out of their hunting rights by leasing their property to the highest bidder. If we review the demographics of the hunting population on a national basis, he does not believe this to be possible with the economic power of this group. The relationship between ownership of wildlife and control of it is a paradox in our society. The public owns it, but in most situations private land managers control it. Private land managers control wildlife populations because they control the existence and quality of wildlife habitats. (See attachment 4)

Written testimony in support of the bill by Bruce Miller, Garnett, Kansas, was read to the committee by Wes Traul. He believes unlike the walk-in hunter program, this bill would allow landowners to control the number of people on their property and still be financially compensated. He understands this is not traditional hunting, but as a farmer can tell you these are no longer traditional times. (See attachment 5)

Lee Robbins, Yates Center, Kansas, was welcomed to the committee. He testified as a proponent to the bill and believes there will be many landowners benefit monetarily but not all of them, because they are not interested in the hunting business. It would cost the taxpayers nothing but however save them money by helping lower the deer population. He thinks it is time the landowners, tenants, and citizens of the state, stop suffering such huge losses because Kansas Department of Wildlife and Parks is afraid bills such as this one

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MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
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would eliminate a place for the common man to hunt. (See attachment 6)

Written only testimony in support of the bill was submitted by; J. Richard Pringle, Yates Center, Kansas (See attachment 7); Charles Eagle, Landowner in Woodson and Wilson counties. (See attachment 8); Loren Steinforth, landowner and tenant. (See attachment 9); Robert Brown, Yates Center, Kansas. (See attachment 10); and Jim and Herb Beason, Elk City, Kansas. (See attachment 11)

Senator Robert Tyson, was welcomed to the committee. He spoke in favor of the bill and believes the Kansas deer population has become too large and the damage, to both crops and vehicles, has become too severe. We have 10,000 vehicle accidents in Kansas attributed to deer resulting in over \$30 million in damages not to mention cost of injuries to the occupants. In a tabulation of his 5 counties' statistics for 1999, 40% of the total auto accidents in his district are deer accidents. On top of this the farmers are experiencing another \$30 million in crop damage. Something more must be done to control this oversized deer herd. He believes if we want to keep any deer in Kansas we must let the farmer participate in recovering his costs. After all, he owns the habitat and property rights. If we want to continue to irritate landowners by coming up with solutions that do not include them, who knows, maybe no one will get to hunt. (See attachment 12)

Senator Edward Pugh was welcomed to the committee. He spoke in support of the bill and believes the major provisions of this bill are simple. If enacted we would develop a leading tourist attraction in Kansas and compensate the landowner for the loss of his resources required to maintain and feed these large animals. Let the farmer recover some of his costs with the certificates and let him know the state is concerned about the requirement we have imposed on him to manage the deer herd. Or continue to increase hunter benefits at the expense of the farmer and reap the consequences for the hunter, the state and anyone else who the landowner considers as abusive (See attachment 13)

Bill Fuller, Kansas Farm Bureau, was welcomed. He testified in support of the bill on behalf of Farm Bureau. Their strong support of the bill is based upon member-adopted policy that calls for; expanding the harvest of antlerless (doe) deer; increasing nonresident deer permits; establishing a toll-free telephone number to report wildlife damage; and promoting the landowner hunting referral and other damage control programs. As a method to expand the harvest in order to reduce the \$20 to \$25 million in crop damage and \$38 million of vehicle damage from the exploding deer herd each year, the current version of this bill is a giant step in the right direction. (See attachment 14)

Mike Beam, Kansas Livestock Association, was welcomed to the committee. He testified in support of the bill on behalf of KLA. In recent years, KLA has testified on several proposals to increase the opportunities for nonresidents to hunt deer in Kansas. He believes this bill doubles the number of nonresident permits Kansas Department Wildlife and Parks may issue. Considering last year's interest, this change could fulfill considerably more requests from nonresidents. The bill increases the 5% statutory limit to 10% for firearm and archery nonresident permits. He asked the committee to consider bumping the archery limit to 15% or 20%. The success rate for bow hunters is substantially less than firearm hunters. He also added that several guides/outfitters claim nonresident archery hunters are a lucrative market. (See attachment 15)
Questions and discussion followed.

Secretary Steve Williams, Kansas Department Wildlife and Parks, was welcomed to the committee. Secretary Williams addressed the committee in opposition to the bill. He believes the legislative intent of this bill amendment detracts from the Department's current management objective. The Department manages deer to control the population size. This bill would manage deer for private financial gain. It would dictate a major shift in their deer management objective and would ensure a major shift in the very nature of hunting in Kansas. Should residents be forced to compete with wealthy nonresidents for the privilege to hunt, they may find themselves treated as a nonresident in their own state. This bill, in its current form, changes the legislative direction provided to the Department during the past five years. They can continue to make progress in the right direction if they work with the committee to refine the "2000 Deer Management Initiatives", presented at their last meeting. (See attachment 16) Included with the attachment are; Deer Management Initiatives since 1995; 2000 Deer Management Initiatives; Testimony on **Senate Bill 518** (2-16-00); and Testimony on **Senate Bill 568** (2-22-00).

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MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
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Dennis Brown, Carbondale, Kansas, was welcomed to the committee. He testified in opposition to the bill. He believes Wildlife and Parks has already effected programs to contain the population and improve the quality of the herd, such as the deer game tag and the extra season in January. These programs are well thought out by experts in this field. They are flexible to our changing yearly needs and they target the root of the problem, Whitetail Does. These are responsible programs that benefit sportsmen and landowners alike. He does not object of sharing our rich Kansas hunting heritage with nonresidents, but it should be done the right way, it should be well thought out and carefully planned by qualified experts, not hastily thrown together as this bill appears to be. (See attachment 17)

Jess Hoeme, Pratt, Kansas, was welcomed to the committee. He testified in opposition to the bill. He opposes the amendment to the bill and does not believe the purpose of the bill is to reduce the deer population but to allow landowners to make money on the deer. He feels this legislation is taking away the manageability from Wildlife and Parks. (No written testimony)

Shawn Harding, Kansas Bowhunters Association, was welcomed to the committee and testified in opposition to the bill. The Bowhunters Association adamantly opposes this bill as it is currently written. The language amended to the bill on the Senate floor does meet the states interests in reducing the deer problem. Populations of deer that anger certain regions of our state are not going to be reduced if this ongoing battle over selling deer continues. Selling a product that has "demand" requires a "supply". He believes Kansas Department Wildlife and Parks is working hard to eliminate the problem areas and does it under constant criticism. The Bowhunters feel it is undeserved and nonproductive considering the complexity of the problem concerning deer population control in an agricultural environment. The problem is private land access and reduction of doe deer. Let the biologists and resident hunters continue to pressure the herd back to controllable levels. (See attachment 18)

Spencer Tomb, Kansas Wildlife Federation, was welcomed. He spoke in opposition to the bill. The Federation considers this bill to be the single most far-reaching piece of wildlife legislation that has been considered in the Kansas Legislature in the last ten years and are strongly opposed to it. The amendment, to the bill, would give landowners two deer permits for each 80 acres that they own and these permits could be sold by landowners to resident or nonresident hunters. That would give a landowner with 640 acres 16 deer permits. He urges the committee to delete the amendment that will give deer permits to landowners that can be sold because this is counter to tradition of the wildlife belonging to all of the people of a state and because of the unintended and far reaching negative consequences it will have. (See attachment 19)

Questions and discussion followed.

The Chairperson closed the hearing on **SB568**. She announced that due to the lack of time the Chairperson of the House sub-committee on deer issues has already announced that they will be working through a Senate bill rather than a House bill.

The meeting adjourned at 5:45 p.m. The next meeting is scheduled for March 9, 2000.

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: March 7, 2000

NAME	REPRESENTING
Dennis A Brown	13661 So California Rd Carbondale KS 66414 Rep Humerick House
CHARLES FABHE YATES CENTER KS	LAND OWNER IN FAVOR, HR 568
Lee Robbins Yates Center KS	landowner - Rancher in favor of SB 568
Spencer Tombs	Kansas Wildlife Federation 5321 Thompson Rd Manhattan KS
Ed Pugh	1st Senatorial District
Robert Tyson	Senator 12th
ORVILLE COLE	SEN. TYSON
Janet Hoskins	concerned citizen
Craig Chamber	U.S. Army Corp of Engineer
Pat Quine	Golf Course
Bill Brady	KS Gov't Consulting
SHAWN W. HARDING	KANSAS BOWHUNTERS ASSOC.
Mike Beggs	KS LUSTK ASSN
WESTRAU	LAND OWNER
Margaret Fast	KS Water Office
Judy Small	KDWP
STEVE WILLIAMS	KDWP
Clint Riley	KDWP
JESS W. HOEMER	KS DEER HUNTERS

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: March 7, 2000

NAME	REPRESENTING
Sylvain Cole	Sen. Tyson Office
Ann Durkes	DOB
Bill Fuller	Kansas Farm Bureau



KANSAS
RURAL
WATER
association

Quality water, quality life

P.O. Box 226 • Seneca, KS 66538 • 913/336-3760 • FAX 913/336-2751

Comments on Senate Bill 388
House Environment Committee
March 2, 2000

Madam Chairwoman and Members of the Committee:

The Kansas Rural Water Association appreciates this opportunity to comment on SB 388. The Association has active membership of 370 cities and nearly 300 rural water districts in Kansas, many of which hold or are in the business of obtaining water rights.

The Association has concerns that public municipal water supply systems not become citizens of the second class in the ongoing race to procure and perfect water rights. We have concerns that irrigation interests could win over the interests of municipal water systems.

Another concern is for the potential impairment of the ability of those who have perfected rights to actually have access to water. For example, if an irrigator or other water user places a portion of his water right in a safe deposit box, it has the potential then to allow that person to use additional water beyond that existing water right in a drought year. This is contrary to the all the water rights processes that have been recognized. This bill is not consistent with other water conservation policies, especially during drought periods.

This bill will allow additional use of water beyond an individual's water right would allow. The key issue is not what is going to happen "on the average" but what happens in a drought situation.

Public water systems must have protection that their rights are not impaired. Public water systems have concerns that when the water is needed the most the water will not be there. Water is not like money. Water is a limited by physical presence.

We do not support Senate Bill 388 as is proposed. We encourage your very careful review what this legislation appears to provide for and how that appears to bypass traditional and current processes that have served Kansans well to this point in time.

Respectfully,

Dennis Schwartz
Director, Kansas Rural Water Association

House Environment
3-7-00
Attachment 1

STATE OF KANSAS



Bill Graves, Governor

KANSAS WATER OFFICE
Al LeDoux
Director

901 S. Kansas Ave.
Topeka, Kansas 66612-1249

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TTY 785-296-6604

**TESTIMONY TO
THE HOUSE ENVIRONMENT COMMITTEE
ON SENATE BILL 500
March 7, 2000
by Margaret Fast, Unit Manager
Kansas Water Office**

I am appearing today for Al LeDoux, Director of the Kansas Water Office, who is in Colby this afternoon at a public meeting on the annual update of the *Kansas Water Plan*. I am here to request your support of SB 500.

This bill moves the position of Assistant Director of the Kansas Water Office from the classified to the unclassified service. Although this transition would take effect when the position becomes vacant, the bill allows the incumbent to voluntarily request a transfer to the unclassified service. As an unclassified position, the Assistant Director would serve at the pleasure of the Director; the salary for the position would be set by the Governor.

The Kansas Water Office requested this bill because the agency believes the position, which helps to establish public policy on state water issues, should be in the unclassified service. This change is supported by the Division of Personnel Services and by Governor Graves.

The Kansas Water Office would also appreciate the Committee's consideration of an addendum to S.B. 500 requested by the Governor's Office. This addendum would clarify the current statute governing Kansas Water Authority member terms by setting a common expiration date. We view this as strictly a technical change to simplify management of member replacements. Term expirations currently occur in several months of the year including January, May, July and August.

We would like to provide the Committee with suggested language from the Revisor's Office that would set January 15 as a common term expiration date. We believe that the management of term expirations on the Kansas Water Authority, which is statutorily a part of the Kansas Water Office as set out in K.S.A. 74-2601 et seq., is closely related to the internal management issues that are the subject of S.B. 500. We would appreciate your consideration of adding this addendum amending K.S.A. 74-2622 et seq. to the current bill.

Thank you for your support; I would be happy to stand for questions.

House Environment
3-7-00
Attachment 2

STATE OF KANSAS



Bill Graves, Governor

KANSAS WATER OFFICE
Al LeDoux
Director

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109 SW Ninth
Topeka, Kansas 66612-1249

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TESTIMONY TO
THE HOUSE ENVIRONMENT COMMITTEE
ON SCR 1630 - Kanopolis
Tuesday, March 7, 2000
By Terry Duvall
Kansas Water Office

Thank you, Chairperson Freeborn, for the opportunity to address the House Environment Committee regarding this resolution. The Kansas Water Office supports this resolution. If I may, I would like to give you a brief background on the Kanopolis Lake water supply purchase issue.

In December of 1985, a Memorandum of Understanding (MOU) was signed with the Corps of Engineers, giving the State of Kansas the right of first refusal to buy storage space reallocated from water quality to water supply in federal lakes at original construction costs and interest rates. Kanopolis Lake was not included in the list of lakes covered by the MOU because of complications relating to how a proposed pool raise would be funded, and questions relating to use of water made available by a pool raise by local irrigation interests. That MOU expired on June 30, 1996.

After a lengthy study, the Corps determined in June of 1996 that they could not sell reallocated storage to the State of Kansas under the provisions of the 1985 MOU. The Corps was willing to sell the storage space to the State at updated costs at an interest rate, which would essentially quadruple the price per acre-foot of storage. If the State were to purchase this storage space, the costs would be passed on to all current participants in the State Water Marketing Program and to the Post Rock Rural Water District under a water marketing contract. The current rate to Water Marketing Program purchasers is 14.5 cents per 1,000 gallons. It is conceivable this rate would rise if the Kanopolis storage were added to the Water Marketing pool. The State has chosen not to purchase reallocated storage under these conditions.

During the 1998 and 1999 U.S. Congressional Sessions, the Kansas Delegation attempted to pass legislation, which would make Kanopolis storage available to the State of Kansas at a more reasonable cost. During the 1999 Session, language was approved by Congress, which states:

*House Environment
3-7-00
Attachment 3*

Sec. 531. KANOPOLIS LAKE, KANSAS.

(a) WATER STORAGE. - The Secretary shall offer to the State of Kansas the right to purchase water storage in Kanopolis Lake, Kansas, at the average of –

(1) the cost calculated in accordance with the terms of the memorandum of understanding entitled “Memorandum of Understanding Between the State of Kansas and the U.S. Department of the Army Concerning the Purchase of Municipal and Industrial Water Supply Storage,” dated December 11, 1985; and

(2) the cost calculated in accordance with procedures established as of the date of enactment of this Act by the Secretary to determine the cost of water storage at other projects under the Secretary’s jurisdiction.

(b) EFFECTIVE DATE. - For the purposes of this section, the effective date of the memorandum of understanding referred to in subsection (a)(1) shall be deemed to be the date of enactment of this Act.

The KWO has been in contact with the K.C. District of the Corps of Engineers regarding their interpretation of this language. The Corps informed us in our latest discussions about Kanopolis, that the Office of Management and Budget is moving ahead with interpretation of the Water Resources Development Act, section by section. Since the section in question is near the end of the Act, it may be some time before they review this section. Once the Act is clarified, the Corps will calculate the costs to the State for purchase of storage in Kanopolis. Our interpretation of the Act leads us to believe the costs would be approximately \$6 million for 20,000 acre-feet of storage. We do not know what impact this purchase might have on the State Water Marketing Program, because we do not know what portion of the water supply might be included in that program and how the balance of storage might be financed.

We have informed the Corps of the Kansas Legislature’s desire to move ahead on this issue. The Kansas Water Office and the Kansas Water Authority very much appreciate your support of this concurrent resolution.

SENATE BILL #568

In listening to the opposition of SB #568, I continually hear that we as landowners will price our resident Kansas Hunters out of their hunting rights by leasing our property to the highest bidder. If we review the demographics of the hunting population on a national basis, I do not believe this to be possible with the economic power of this group.

Hunter Profile**Bow Deer Hunter**

Average Yearly Household Income	\$52,700
% Overnight Bow Deer Hunting Trip	57%
Average Spending on Trip	\$965.00
Avg. Yearly Spending on Equipment	\$444.00

Rifle Deer Hunter

Average Yearly Household Income	\$69,404
% Overnight Bow Deer Hunting Trip	67%
Average Spending on Trip	\$1,797.00
Avg. Yearly Spending on Equipment	\$1,921.00

Waterfowl

Average Yearly Household Income	\$73,140
% Overnight Bow Deer Hunting Trip	42%
Average Spending on Trip	\$1,153.00
Avg. Yearly Spending on Waterfowl Hunting	\$5,800.00

Upland

Average Yearly Household Income	\$68,400
% Overnight Bow Deer Hunting Trip	57%
Average Spending on Trip	\$1,200.00
Avg. Yearly Spending on Upland Hunting	\$5,500.00

On a nationwide basis hunters spend 5.2 billion dollars on hunting trips and 11.3 billion dollars on hunting equipment. Based on the demographic profile of the sport, I do not believe that the landowners of Kansas are going to wreak economic havoc on our hunting population. Hunting requires a considerable commitment of time, money and is not a pastime of the economic disadvantage.

Another major concern I have heard voiced is that SB #568 is going to lock the average Kansas hunter out of the sport due to the leasing up of private property by wealthy individuals. But if you review the studies done on hunting leases, that is simply not true. It is the average guy that holds the majority of the leases and benefits the most from the lease system.

Eighty-seven percent of hunting leases are leased by groups of hunters where several individuals contributed to the lease fee. Four percent were leased and financed by a single individual. Nine percent were leased to businesses for client entertainment (Samuel Roberts Noble Foundation).

*House Environment
3-7-00¹
Attachment 4*

The worst nightmares of those who speak of "class struggle," is that the charging of access fees will bar large numbers of people from hunting. In a study of the "Factors Influencing Land Access Selection by Hunters in Alabama," published in the *Transactions of the Fifty-fourth North America Wildlife and Natural Resources Conference*, The researchers noted that the fee-hunting system is most highly developed in the southcentral United States. After surveying nearly 2,000 resident and nonresident Alabama hunters, the researchers concluded that the fee-hunting system was "not excluding individuals from the hunting experience," nor was it "decreasing the hunter's commitment to [or participation in] hunting" or his "commitment/interest in wildlife. To be sure, Alabama has had a long time to adapt to a fee-hunting system; but there is no reason to believe that hunters in other regions would not also be able to.

Across the South, you acquire hunting access the old-fashioned way—you buy it. The tradition of leasing hunting rights is a half century old and is the most common (and fully Accepted) way to enjoy good hunting privileges on private land.

The traditional southern lease involves a group of hunters, a tract of land, a landowner and an annual lease fee for the full hunting season. The system is remarkably nonelitist. Lease rates vary according to location, access, quality of resource, and local demand, but in few areas is the "average guy" priced out of the market. At the typical basic lease level, individual memberships run \$250 to \$500 per year, and there are usually waiting lists.

As former Safari Club International's (SCI) executive director, Rudy Rosen states "better decisions about protecting wildlife habitat are made when wildlife has a direct monetary value to that decision maker".

The relationship between ownership of wildlife and control of it is a paradox in our society. The public owns it, but in most situations private land managers control it. Private land managers control wildlife populations because they control the existence and quality of wildlife habitats.

Private landowners own most of the property; private landowners own most of the wildlife habitat; private landowners produce or allow production of most of the wildlife on their lands; and landowners own the right to use their property and their wildlife habitat. The public cannot hunt or even observe wildlife without also using the land.

Sources:

1. Field & Stream magazine
2. Oklahoma Hunting leases (published by the Samuel Roberts Noble Foundation)
3. Gundog
4. Wildfowl
5. Wing & Shot
6. Bowhunter
7. Deer & Deerhunting

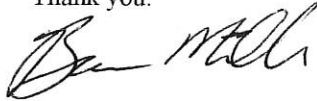
I apologize for being unable to attend in person. I am Bruce Miller and feel I have a well-rounded perspective on the deer issue. We have a 150 cow dairy, and farm 1,100 acres. I have been an avid bow-hunter for 15 years, and now a licensed outfitter and have been guiding deer hunters for the past 2 years.

Kansas has a very high quality deer herd. I applaud Kansas Dept. Wildlife & Parks for an excellent job. I do not feel we have a deer population problem. I do feel we have a deer perception problem. Landowners for years have been expected to provide habitat and food for a deer herd they receive nothing from, but provide recreation for others. This has created a backlash reaction, when seeing a deer trail in the cornfield, some farmers think they are taking the profits and want them eradicated.

Giving legitimate landowners the option to transfer their Landowner tags is a fair trade for supporting the deer herd. The transfer fee on these tags should be equal to the non-resident fee, so the state would still get as much revenue.

Unlike the walk-in hunter program, this would allow landowners to control the number of people on their property and still be financially compensated. I understand this is not traditional hunting, but as a farmer I can tell you these are no longer traditional times.

Thank you.



Bruce Miller 785-448-6337

House Environment
3-7-00
Attachment 5

3-6-00

Lee Robbins

Phone 316-625-3628

1181 Hwy 54

Yates Center, Ks. 66783

House Environmental Committee Members

I am a landowner and agricultural producer from Woodson County. I strongly support S.B. 568 and am asking you to, for the following reasons.

1. KDWP system is not working in lowering the population and I don't think it will ever work without cooperation with landowners.

KDWP, extended January season will not be effective for the following reasons.

- a. Adverse weather
- b. Deer hunters are burnt out from earlier season.
- c. Limited access from landowners because big bucks that have already shed antlers get shot, so many landowners won't allow access.

2. Landowners furnish the food and habitat for most of our deer population and are allowed to receive nothing in return, primarily because we can't get permits. For example under current laws I can only get one landowner tag for myself even though I own or operate 2000 acres and it can only be transferred to a relative for a fee of 30⁵⁰.

House Environment
3-7-00
Attachment 6

3. There will be many landowners benefit monetarily but not all of them, because they are not interested in the hunting business. It should cost the taxpayers nothing but however save them money by helping lower the deer population. I think it is time the landowners, tenants, and citizens, of this State stop suffering such huge losses because KDWP is afraid bills such as this one would eliminate a place for the common man to hunt.

I think there are a few changes that need to be made to this bill if possible

1. We need to focus on harvesting does not bucks, the bucks are a big asset and eliminating them makes little sense. So change the buck to doe ratio to maybe 1 buck tag for every 10 doe tags issued

2. Permits issued under this bill should be specific to the land for which they are applied for.

3. I believe no landowner or tenant should be allowed to sell these permits for a profit, but only to profit from allowing access to his habitat.

If a landowner or tenant wants to transfer their permit to a ~~resident~~ non-resident then they should pay the non-resident fee to KDWP.

In closing there is huge support for a bill such as this from Landowners and Tenants.

Thanks for Your Consideration Lee Roblin's
6-2

Pringle Ranch
J. Richard Pringle



Route 1
Yates Center, Ks. 66783

DURING THIS PRESENT AGRICULTURE RECESSION THE PHRASE "ADDED VALUE" IS USED CONSTANTLY. FOR A RANCHER WITH GRASS AND TIMBER THE ONLY ADDED VALUE POSSIBLE IS BEING ABLE TO LEASE HIS PROPERTY FOR HUNTING. OUR DEER AND TURKEY POPULATIONS ARE THE HIGHEST EVER AND THERE IS A GREAT DEMAND FOR THIS GAME THAT PRODUCERS ARE FEEDING AND SUPPORTING. CURRENT LIMITS SHOULD BE INCREASED TO EQUAL INCREASED POPULATIONS. MY COUNTERPARTS IN TEXAS AND COLORADO HAVE SURVIVED A LOT EASIER THROUGH THE YEARS WITH THE ABILITY TO HUNT ON YOUR OWN LAND. HOUSE BILL #2974 WILL ENSURE SAFER DRIVING, HELP THE ECONOMY OF MANY COMMUNITIES, GIVE KANSAS AN ADDED REPUTATION OF GREAT HUNTING, AND PROVIDE THE NEEDED "ADDED VALUE" FOR THE FARMER AND RANCHER.

THANK YOU FOR YOUR ATTENTION.

J. RICHARD PRINGLE
YATES CENTER, KANSAS

*House Environment
3-7-00
Attachment 7*

MARCH 7, 00

DEAR SENATORS & REPRESENTATIVES
I'm CHARLES TABLE OWNING
2300 ACRES IN WOODSON & WILSON
COUNTIES, ALSO A RETIRED STATE
EMPLOYEE OF DOR.

THIS INFORMATION I
HOPE YOU WILL CONSIDER IN
REFERENCE TO NEW BILLS
PERTAINING TO REDUCTION OF
DEER POPULATION IN KANSAS.
NO-ONE QUESTIONS, EXCEPT
FOR DIRECTOR OF KS PARK & WILDLIFE
THAT THE CURRENT LAW IS NOT
WORKING AND HAS NOT FOR SEVERAL
YEARS.

#1. RESIDENT HUNTER HAS
MAXED OUT, MORE LICENSES
THAT HUNTERS.

#2. NON-RESIDENTS ARE BEGGING
FOR TAGS AND CAN'T GET
THEM, EVERY OTHER YEAR IF
LUCKY DRAW. INCREASE NC
RESIDENTS TAGS TO BE AVAILABLE
THROUGH THE LAND OWNER
UN-LIMITED

HOUSE ENVIRONMENT
3-7-00
ATTACHMENT 3

#3. INCOME WILL INCREASE FOR
THE AGENCY DUE TO BIG INCREASE
IN NON-RESIDENT HUNTING
LICENSE (\$200⁰⁰) VERSUS \$20⁰⁰
RESIDENT HUNTING LICENSE

#4. ELIMINATES THE JANUARY
DOES SEASON COMPLETELY, OUR
BIG BUCKS ARE BEING KILLED
DUE THEY HAVE SKINNED THEIR
BACKS AND BEING KILLED AS
DOES AND ARE NEARLY ANTERLESS

4

AS LAND OWNERS WE HAVE MADE MANY DAMAGES / WRECKS / FENCES.

THIS IS A COMMODITY AVAILABLE, THAT WE HAVE PRODUCED AND SHOULD BY ALL MEANS BE AVAILABLE THROUGH THIS NEW BILL INTRODUCED.

THANKS

Charles Eagle

3

CHANGE THIS TO OCT. EACH YEAR, RACKS WILL BE IN PLACE AND WILL KILL THE DOES.

#5. ALL WILD LIFE ACREAGE OWNED AND CONTROLLED (2%) OF KANSAS BY LAW IS NOT OPENED TO ANTELOPE (DOE) SEASON IN JANUARY. I QUESTION IF THEY ARE REALLY TRYING TO ~~HELP~~ UNDER THESE PROCEDURES TO REDUCE THE DEER POPULATION - NO, NO, NO A BAD EXAMPLE OF DEER REDUCTION

#6 THERE MAY HAVE TO BE SACRIFICES FOR THIS AGENCY BUT I DON'T SEE THEM.

Mar 7, 2000

To: House Environmental Committee Members

RE: Bill 568

I, Loren Steinforth, a landowner and tenant, would like to see more control of the whitetail deer population given to the landowner.

As the deer population has increased each year so have crop losses, fence damage and road accidents.

Everyone is affected by the cost of maintaining the deer in increased insurance rates and deductibles paid.

Most hunters want a trophy buck. The landowner is more concerned with reducing the deer herd. This must be done by harvesting does.

Bill 568, hunt-on-your-own-land, would give the landowner some control.

The Fish and Game Commission now expects the landowner to feed the deer, purchase a permit to hunt, and allow hunting while the permit fees are collected by the Fish and Game.

Sincerely,

Loren Steinforth

Loren Steinforth

*House Environment
3-7-00
Attachment 9*

House Committee

I own and operate a farm + Ranch in South Woodson County and also have a small hunting business.

I am writing to urge you ~~to~~ to support Bill No. 568. This bill addresses most of the issues I would like to see included in Deer legislation. This bill will allow the landowners, who support this resource 365 days a year, to share in some profit from it, and help control who is hunting on their private property.

We the farmers and ranchowners are, and have always been interested in improving the environment, (which includes ~~the~~ all the Wildlife), but unless we have more to say ^{about} who hunts our land and how to profit from it. It will become less + less accessible to the Public.

Respectfully,
Robert Brown
459 Nighthawk Rd.
Yates Center, Mo. 66783

House Environment
3-7-00
Attachment 10

My name is Jim Beason. My brother Herb and I own and operate Beason Farm. I have spoken to all of you in testimony on previous deer legislation this year. I have spoken to many of you in person or by phone. Thank you for allowing us this input.

Since our failed claim against the state, we have come to realize there is a growing number of legislators who truly recognize the problems created by an ever growing deer population and that the population problem has not been properly addressed over the years.

The members of this committee are problem solvers. We know in order to solve any problem we need to first define the objective. We've done that. It is to lower the crop loss and traffic accident rate. Second, we need to identify the solution. We've done that. It is to harvest more deer. Third, we need to measure the results of our actions. We haven't done that. How do we measure our progress, or lack of it, if we don't identify now the manner in which we shall measure the results? How long do we expect to wait to see the herd size quit growing? How long before it does get smaller and how much smaller do we want it? What is the goal???? If we can't answer these questions right now, it is not logical to expect to succeed.

Now, we believe that working with KDOT is an excellent idea, but again---what is the goal?---if it is not set now it won't be set later. KDWP began a campaign in 1989 to reduce the herd in Unit 12. They did. But when they began to succeed they backed off in 1993 and the population bounced back up dramatically. They had no clearly defined goal then, but they must be given one now. Now, Sec. Williams has suggested that a population similar to what we had in the late 80's or early 90's might be appropriate. OK, tie it directly to the accident rate using KDOT statistics from 1989 and hold the agency to that goal. Establish the amount of time necessary to reach this goal. Achieve it quickly by extending centerfire rifle season to open and run concurrently with muzzle loader and bow season. Issue unlimited doe permits and a large number of buck permits for the first year---measure our success in achieving the goal based on traffic accidents. Evaluate our performance one year from now or as soon as the appropriate data can be made available.

Please manage this like a crop property loss and a traffic problem---not a recreational concern. If we err this time, let us do so by harvesting too many deer. Better yet, let's have a quantifiably measurable goal and achieve it quickly with careful yearly evaluations along the way.

Thank You.

Jim and Herb Beason
Beason Farm
1667 Road 28
Elk City, Kansas 67344
316.627.2466

House Environment
3-7-00
Attachment II

ROBERT TYSON
 SENATOR, TWELFTH DISTRICT
 Home Address: 19984 COUNTY ROAD 1077
 PARKER, KANSAS 66072
 (913) 898-6035
 Office: STATE CAPITOL BUILDING—136-N
 TOPEKA, KANSAS 66612-1504
 (785) 296-7380
 1-800-432-3924



TOPEKA

KANSAS SENATE

COUNTIES
 ANDERSON, BOURBON,
 FRANKLIN, LINN & MIAMI

COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE
 ENERGY AND NATURAL RESOURCES
 TRANSPORTATION AND TOURISM
 JOINT COMMITTEE ON PENSIONS,
 INVESTMENTS & BENEFITS
<http://skyways.lib.ks.us/kansas/government/tyson/>
 email: rtyson@ink.org

SB 568

TESTIMONY

March 7, 2000

before the HOUSE ENVIRONMENT COMMITTEE

Thank you for the opportunity to speak in favor of SB 568. The Kansas deer population has become too large and the damage, to both crops and vehicles, has become too severe. We have 10,000 vehicle accidents in Kansas attributed to deer resulting in over \$30 million in damages not to mention cost of injuries to the occupants. In fact, in a tabulation of my 5 counties' statistics for 1999, 40% of the total auto accidents in my district are deer accidents. On top of this our farmers are experiencing another \$30 million in crop damage. Something more must be done to control this oversized deer herd.

Under existing law, farmers who are experiencing difficulty with deer damage to crops may put in for depredation permits. These allow the shooting of does and allows the shooter to leave them lay. Some have shot as many as 45 deer in a few days using these permits. Most are shot at night with the use of lights when the deer don't have a chance. No landowner or farmer who is a good steward of land and animals wants to tolerate shooting game animals using these wasteful methods. This is against their nature. This bill not only solves this problem, it will, I believe, develop the biggest tourist attraction in Kansas history. Kansas is known as one of the big three in states that have the best deer hunting potential in America, yet few can cross our borders to hunt deer. Most are turned away. These out-of-state hunters are accustomed to spending a lot of money in the state they hunt. Motels, grocery stores, sporting good stores, gas stations, locker plants and most other businesses in small town Kansas will greatly benefit. Realizing the full potential for deer hunting is good for the farmer who sells these permits to recover crop damage, and good for the community in commerce gained and good for tourism.

One portion of this bill increases the number of out of state hunting permits which would greatly help tourism and outfitters but does very little for landowners. A few farmers owning land around outfitters have a chance for some profit. The only part of SB 568 that addresses the landowner and allows the farmer to recover some of the expenses of providing the habitat and feeding the deer herd starts on page 2, line 34. This section provides the farmer the opportunity to apply for special hunt-on-own-land permits which he can give away or sell instate or out. This is the first time the state has addressed the landowners' plight of lost crops and deer damage by allowing him a chance to recover these expenses.

Let me take a moment to dispel one of the objections to this bill and that is the idea that this would

*House Environment
 3-7-00
 Attachment 12*

make deer hunting a sport for the wealthy due to the farmers charging a huge fee for hunting. Not all landowners would put in for these tags. I know I will not on my ranch. I have good friends who have hunted on my ranch for many years and I will not charge them. They have earned my trust and I enjoy their company. Many would do the same, some would charge with good justification. Even though the state owns the deer, the landowner provides the habitat including bed and breakfast for the deer. He takes all the expense of managing the deer herd without recovering his costs and he is expected to endure the inconvenience and worry to have strangers hunting on his land. The Kansas hunter pays big bucks for the hunting equipment right down to his Gore-Tex hunting boots and yet expects to hunt on private land for nothing. He will still have that opportunity in many cases but presently the out-of-state hunter would gladly pay to hunt but cannot get in.

In conclusion, the farmers and ranchers are managing and feeding the deer herd now through good habitat management. They are good stewards of the life that the Lord has put under their control even now when farm prices are so low. If we want to keep any deer in Kansas we must let the farmer participate in recovering his costs. After all, he owns the habitat and property rights. If we want to continue to irritate landowners by coming up with solutions that do not include them, who knows maybe no one will get to hunt.

EDWARD W. PUGH
SENATOR, 1ST DISTRICT
625 LINCOLN AVE.
WAMEGO, KANSAS 66547
(785) 456-9377

ROOM 143-N, CAPITOL BLDG.
TOPEKA, KANSAS 66612-1504
(785) 296-7379



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
MEMBER: ENERGY AND NATURAL RESOURCES
JUDICIARY
UTILITIES
RULES AND REGULATIONS

March 7, 2000
Testimony
House Environment Committee
SB 568

The major provisions of this bill are simple. If enacted we would develop a leading tourist attraction in Kansas and compensate the landowner for the loss of his resources required to maintain and feed these large animals.

You will hear all kinds of wailings and gnashing of teeth over even the thought of letting the landowner participate in the cost recovery. No farmer is going to get rich off of having several certificates to give to an old army buddy or a distant relative from out of state. Who knows, he may even get a hundred dollars for one of these certificates. One thing is for sure, if you up the out of state permits from 5% to 10% without addressing the landowner problem you will only make the outfitters and those few landowners around outfitters profitable but you're not going to do anything for the average farmer.

Let the farmer recover some of his costs with these certificates and let him know the state is concerned about the requirement we have imposed on him to manage the deer herd. Or continue to increase hunter benefits at the expense of the farmer and reap the consequences for the hunter, the state and anyone else who the landowner considers as abusive.

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Attachment 13*



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON ENVIRONMENT

RE: SB 568 – Proposes a number of initiatives to reduce the number of white-tailed deer in Kansas.

**March 7, 2000
Topeka, Kansas**

**Prepared by:
Bill R. Fuller, Associate Director
Public Policy Division
Kansas Farm Bureau**

Madam Chair Freeborn and members of the House Committee on Environment, my name is Bill Fuller. I am the Associate Director of the Public Policy Division for Kansas Farm Bureau.

Kansas Farm Bureau's strong support for SB 568 is based upon member-adopted policy that calls for:

1. Expanding the harvest of antlerless (doe) deer.
2. Increasing nonresident deer permits.
3. Establishing a toll-free telephone number to report wildlife damage.
4. Promoting the landowner hunting referral and other damage control programs.

SB 568 began as a measure to increase firearm and archery deer permits to not more than 10% of the total number of resident deer permits authorized. The current limit is 5%. We believe every Kansas resident and landowner should have priority over nonresidents. We support the current process that issues nonresident permits in addition to the permits authorized for residents.

A number of amendments adopted by the Senate transformed SB 568 into a comprehensive deer control measure that includes these provisions:

- Increases the number of nonresident antlered (buck) deer firearm and archery permits issued to not more than 10 percent of the total number of resident deer permits.

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- Eliminates the cap on the percent of total nonresident deer firearm or archery permits that could be issued.
- Establishes a toll-free telephone number for landowners and tenants to report property damage caused by deer and request information regarding big game control permits and programs.
- Requires KDWP to publish quarterly in newspapers having general circulation in areas experiencing high deer populations information regarding big game control permits and programs that assist in reduction of high local deer populations.
- Requires KDWP and KDOT to cooperate in developing a management plan to address reduction of motor vehicle accidents involving deer in those areas experiencing high numbers of accidents.
- Requires KDWP to issue two special hunt-on-your-own-land permits for each 80 acres owned or leased by a landowner or tenant. These special permits would be in addition to the current hunt-on-your-own-land permits and could be transferred or sold to any licensed resident or nonresident hunter.

As a method to expand the harvest in order to reduce the \$20 to \$25 million in crop damage and \$38 million of vehicle damage from the exploding deer herd each year, the current version of SB 568 is a giant step in the right direction. We commend the Legislators and the Secretary of KDWP's for working together in developing the package.

However, we suggest another element must be included for the package to be balanced and fair. Until the damage from the deer herd can be brought down to an acceptable level, landowner considerations must be included. KFB members have asked for a system to be developed that would compensate landowners who are experiencing significant crop damage. Another proposal aimed at addressing the economic concerns of landowners is the Senate Committee of the Whole amendment that requires the Secretary of KDWP to issue special hunt-on-your-own-land permits (see last bullet point above).

Some are concerned the Senate floor amendment is too far reaching and may not have a positive impact on reducing the size of the deer herd. We suggest it is important to compensate landowners for excessive crop damage, or at least devise a plan that will allow landowners to realize some economic return since they provide the habitat, supply the feed and receive the property damage.

We thank you for allowing the farm and ranch members of Kansas Farm Bureau to express their solid support for SB 568. We respectfully ask the committee to amend and advance SB 568 to the full Senate.



Since 1894

Date: March 7, 2000

To: The House Environment Committee
Representative Joann Freeborn, Chairperson

From: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

Re: Testimony in support of **Senate Bill No. 568**

The Kansas Livestock Association (KLA) supports SB 568. In recent years, KLA has testified on several proposals to increase the opportunities for nonresidents to hunt deer in Kansas. Two years ago this committee, and the entire legislature, gave approval to a KLA supported bill, which amended this section and loosened the statutory limit on nonresident deer hunters. The change dropped the requirement that a management unit must have leftover deer permits before a nonresident could obtain a permit.

I was informed recently that KDWP issued approximately 3,500 nonresident permits in 1999. (This number does not include any antlerless game tags that may have been purchased by nonresidents.) Furthermore, KDWP indicated about half of the nonresidents applying for a permit were successful in the deer-hunting lottery.

This bill, **SB 568**, doubles the number of nonresident permits KDWP may issue. Considering last year's interest, this change could fulfill considerably more requests from nonresidents. The bill increases the 5% statutory limit to 10% for firearm and archery nonresident permits. I'd ask the committee to consider bumping the archery limit to 15% or 20%. The success rate for bow hunters is substantially less than firearm hunters. I might also add several guides/outfitters claim nonresident archery hunters are a lucrative market.

I realize SB 568 was amended on the Senate floor with a provision to allow landowners/tenants to obtain and transfer "Hunt-on-Your-Own-Land" permits. We have not taken a policy position on this specific issue. I merely wanted this committee to realize we strongly support the increase in nonresident deer hunting permits.

We support the increase because it broadens the field of hunters that can help reduce the deer herd and enhances the opportunity for landowners to gain financially from nonresident deer hunters. I have had several members tell me the current restrictions on nonresident deer hunters have cost them several thousands of dollars.

This committee has heard from guides and landowners who will directly benefit from an increase in nonresident deer hunters. This legislation accomplishes this goal and KLA urges this committee to give SB 568 favorable consideration. Thank you!

House Committee on Environment
March 7, 2000

Testimony on Senate Bill No. 568
Steve Williams, Secretary
Department of Wildlife and Parks

Thank you for the opportunity to testify on SB 568.

For five years, I have listened and responded to legislative concern about the number of deer in Kansas. We understand and share this concern. During the past five years, the department has taken numerous and aggressive steps to decrease deer numbers. The attached document, entitled "Deer Management Initiatives since 1995", describes these steps. Our objective and legislative direction is clear -- reduce white-tailed deer numbers, deer-vehicle accidents, and crop damage. We will accomplish this objective by increasing the antlerless deer harvest.

However, the Senate's recent action on SB 568 would reverse this direction and send a different message to Kansans. An amendment (page 2, lines 34-39) added on the Senate floor, would provide an unprecedented class of free permits to landowners for future, private sale to resident or nonresident hunters. This amendment does not promote deer reduction. Instead, it provides a financial incentive for private landowners to encourage deer herd growth so they could profit from future permit sales. Further, this action would promote exclusive and restricted access for hunters. Permit buyers would ask landowners to limit hunting on their property to protect deer for themselves. Although encouraging deer growth may be attractive to some landowners, it would be detrimental to neighbors experiencing crop damage or motorists traveling in their area.

The legislative intent of this bill amendment detracts from our current management objective. The department manages deer to control the population size. This bill would manage deer for private financial gain. It would dictate a major shift in our deer management objective and would ensure a major shift in the very nature of hunting in Kansas. Should residents be forced to compete with wealthy nonresidents for the privilege to hunt, they may find themselves treated as a nonresident in their own state.

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3-7-00
Attachment 16

The concerns associated with the amended version of SB 568 include:

- Landowners (80 acres or more) would privately control a large percentage of deer permits.
- Because the department must issue private permits to landowners, we would be forced to reduce the number of antlered (buck) permits available for general residents (those not owning 80 acres or more).
- Landowners would be provided with a financial incentive to restrict deer hunting only to those hunters who could afford to purchase these private permits.
- Exclusive and restricted hunting access would become more widespread, due to the profit motive associated with landowner permits.
- Restricted access increases deer refuges during the hunting season, this protects deer and reduces the number of deer killed (especially does).
- Private control of deer permits decreases the department's management authority and control over the amount and distribution of the deer harvest.
- Guides and outfitters will be motivated to identify and restrict access to large blocks of private land to develop pay-for-hunt opportunities.
- Private control of permits and exclusive hunting access will ultimately decrease enrollment in the department's Walk-In Hunting Area program (it would be expensive to compete in the open market for exclusive hunting rights).
- The department would lose substantial revenue due to the reduction in general resident permit sales and the increase in guaranteed landowner permits.
- The department's management flexibility to address geographic differences occurring in the state (e.g. white-tailed vs. mule deer range), would be greatly reduced.
- The current hunter-landowner relationship would change from a mutually-beneficial relationship, to that of a profit-driven relationship.
- Eventually, all types of hunting (deer, turkey, waterfowl, upland birds, etc.) would succumb to the pay-to-hunt scenario developed by this bill.

Rather than take legislative action on SB 568 at this time, I request that you allow this committee's subcommittee to continue its work. They have had several productive meetings. Relative to SB 568, the subcommittee has already expressed its dissatisfaction with the recent amendment. There may be other initiatives to explore. The department did help craft and supported prior versions of SB 568. I believe that we can reach a consensus on appropriate and effective bill amendments either with SB 568 or HB 2977.

SB 568, in its current form, changes the legislative direction provided to this department during the past five years. We can continue to make progress in the right direction if we work with this committee to refine the "2000 Deer Management Initiatives" presented at our last meeting. Kansans deserve a process that includes public input, department expertise, and a deliberative legislative response. Thank you for the opportunity to testify.

attach.: Deer Management Initiatives since 1995
 2000 Deer Management Initiatives
 Testimony on Senate Bill 518 (2/16/00)
 Testimony on Senate Bill 568 (2/22/00)



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612-1233
785/296-2281 FAX 785/296-6953



DEER MANAGEMENT INITIATIVES SINCE 1995

Management Goal: to manage deer populations at levels compatible with their habitat and acceptable to the public

- 1. Increased Permit Availability** - KDWP has nearly doubled the availability of resident deer permits in the past five years. Over-the-counter game tags (up to two tags per person, for antlerless deer only) are available in sixteen of the eighteen deer management units. Nonresident permit availability has been significantly expanded. Most important for deer population control, the vast majority of the increased permit numbers are targeted for does (antlerless-only permits have increased over 700% statewide in the last five years). We estimate a harvest of more than 108,000 deer during the 1999-2000 seasons.
- 2. Extended Season** - Last year's two-day extended season has been lengthened to 10 days (Dec. 31, 1999-Jan. 9, 2000). During this extended season, all unfilled permits revert to antlerless-only status. Again, the focus is on reducing female deer numbers.
- 3. Increased Hunting Access** - Through the Walk-In Hunting Area (WIHA) program over 635,000 acres of private land are available to the hunting public. Most of these leases are open to firearms deer hunting.
- 4. Options For Landowners** - Landowners, tenants, and managers are guaranteed a "Hunt-Own-Land" permit at one-third the cost of a regular permit. Family members living with the landowner, tenant, or manager may also obtain a "Hunt-Own-Land" permit, or the permits may be transferred to another relative that wishes to hunt.
- 5. Deer Control Permits** - Where crop damage is a problem, landowners can also apply for deer damage control permits. These permits allow the landowner to harvest a prescribed number of deer on his or her property outside of the normal season dates, free of charge (with the emphasis on doe harvest).
- 6. Landowner-Hunter Referral Service** - KDWP encourages landowners to allow hunters to harvest deer on their property. In an effort to put hunters in touch with landowners who wish to increase harvest on their property, the department has implemented a landowner referral system. Under this system, a landowner may obtain from the department a list of hunters who have registered an interest in harvesting does in the area.
- 7. Increased Regulatory Flexibility** - KDWP has removed regulatory restrictions to provide increased hunting opportunity for archers, firearms hunters, and muzzleloaders. Among other changes, leftover permits may now be used in any season; residents may obtain up to six deer permits (of which at least three would be for antlerless deer); and bowhunters have additional flexibility regarding approved equipment.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
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785/296-2281 FAX 785/296-6953



2000 DEER MANAGEMENT INITIATIVES

Management Objective: reduce white-tailed deer numbers statewide by increasing the antlerless deer harvest

Administrative:

- Continue to develop urban deer management plans.
- Conduct "Deer 2000" public workshops and internal/external workgroups across the state to inform residents of our deer management efforts and programs, receive input on simplifying the permit process, and to listen to concerns and ideas.
- Provide HOYOL applications over the Internet. (*HB 2977*)
- Provide deer processing training and information to hunters.

Regulatory (Wildlife and Parks Commission):

- Establish a 14 day white-tailed deer, antlerless-only season (Jan. 1-14, 2001). All unfilled deer permits may be used during this season for antlerless deer only.
- Decrease the number of buck permits (either sex and any deer permits) issued by establishing a cut off date (first drawing) after which all deer permits issued will be antlerless -- 3 year pilot project.
- Provide increased white-tailed deer, antlerless-only permits on a daily competitive basis throughout all seasons.
- Permit the sale of big game tags to any licensed hunter for the antlerless-only season.

Statutory:

- Increase nonresident firearm and archery, any deer/either-sex deer permits (used for antlered deer), allowing up to 10% of the resident permit numbers. (*SB 568, HB 2977*)
- Remove the cap on nonresident firearm and archery, antlerless deer permits. (*SB 568, HB 2977*)
- Require publication of the Hunter Referral Program in newspapers across the state prior to deer hunting seasons.
- Require publication of the Damage Control Permit Program in newspapers across the state on a quarterly basis.
- Provide a toll-free telephone number for the Hunter Referral Program and Damage Control Permit Program to assist landowners in reaching the department. (*HB 2977*)
- In conjunction with KDOT, develop a site-specific plan to address deer-vehicle accident concentration areas, for review by the 2001 legislature. (*HB 2819, 2873*)

Senate Committee on Energy and Natural Resources
February 16, 2000

Testimony on Senate Bill No. 518
Steve Williams, Secretary
Department of Wildlife and Parks

Thank you for the opportunity to testify on SB 518 concerning the sale of hunt-on-your-own-land permits and the prohibition of nonresident guides.

Senate Bill 518 establishes a new category of deer permit, the "special landowner or tenant hunt-on-your-own-land permit that shall be transferable." This permit would be sold on the open market to resident or nonresident deer hunters. This unprecedented action provides a mechanism for private individuals to profit directly from selling a department permit rather than, or in addition to, profiting from selling hunting access (leasing). This profit-driven action would directly conflict with the department's goal of reducing white-tailed deer numbers throughout the state and providing equal opportunity for residents.

In general, this bill would establish resident and nonresident landowners as the primary source of deer permits. This market and its associated revenue would create an incentive for landowners to increase deer numbers -- more deer, more opportunity to sell permits. There would be no incentive to decrease deer numbers because deer numbers would dictate current and future revenue generated from the sale of these guaranteed permits. In addition, this bill's provisions would lead to an increase in restricted hunting access to land. As I have stated previously before this committee, restrictive hunting access on private land is becoming the key limiting factor to deer population reduction. The landowner who profits from this entitlement may appreciate the money associated with higher deer numbers, but what about neighboring farmers and motorists in the area concerned about too many deer?

Specific provisions of the bill are also troubling. SB 518 guarantees two permits for each 80 acres of land owned or managed by a resident or noresident. Each of these permits includes two tags, one for a buck and one for a doe. Under current law, landowners are currently eligible for

one permit per 80 acres which can be used to harvest a buck, SB 518 provides an additional four permits per 80 acres, two that can be used to harvest a buck. One person owning a section of land would be eligible for 32 additional tags. In 1999, we issued more than 17,000 hunt-on-your-own-land permits. Assuming that each of these permittees participates, the department would issue more than 85,000 permits (half of the total 1999 permit allocation) solely to landowners, the majority of which could be used to shoot a buck. Other landowners, not currently participating in this program will be enticed to apply due to the lure of making money.

We restrict the number of antlered (buck) permit types to 1) focus hunting pressure on antlerless (doe) deer and 2) maintain the trophy buck population. Consequently, as more buck permits are issued to landowners, opportunities for residents to hunt for a buck would be greatly diminished. Resident hunters would have to compete with nonresidents, many wealthy enough to "outbid" resident hunters. In effect, the Kansas hunter would become a "nonresident" in his/her own state.

Since SB 518 allows these permits to be "transferable on the face of the permit" it provides no oversight for the transfer of permits among individuals. It does not take much creative thought to conjure up situations leading to widespread abuse of these permits. Permits could be transferred in the field, daily or weekly, they could be passed among landowners for private resale, and deer permit brokers would become a lucrative business for some individuals. Enforcement and system integrity is not considered in SB 518. This potential is troubling to the department and to residents that enjoy this public resource.

SB 518 prohibits all nonresident guides and outfitters from operating within Kansas. The department concurs with and is aware of occasional problems concerning nonresident guides in Kansas. Greed and abuse often raises its ugly head in wildlife commercialization. In spite of our concerns, it is the opinion of this department, other states, and the court system that this provision is unconstitutional. State laws attempting to prohibit nonresident guides have already been struck down by courts in Wyoming and Arizona.

In summary, SB 518 has numerous problems. First, the bill clearly establishes an incentive for

private individuals to allow the deer population to grow due to the potential to make money. This directly opposes the department's objective and legislative direction provided to the department to reduce deer numbers. Second, the bill restricts the opportunity and/or raises the expense for resident deer hunters. Those of us who do not own 80 acres, the majority of urban and rural Kansans, will be restricted in the ability to hunt deer. This restriction will increase the difficulty in controlling deer numbers. Finally, we believe that prohibiting nonresident guides is unconstitutional and would not withstand a legal challenge. The challenge that is sure to come when nonresidents learn about the "private pay to hunt" provisions of SB 518.

I urge this committee to reject SB 518, a bill that overshoots the mark and does not address deer population reduction. Thank you for the opportunity to comment.

Senate Committee on Energy and Natural Resources
February 22, 2000

Testimony on Senate Bill No. 568
Steve Williams, Secretary
Department of Wildlife and Parks

Thank you for the opportunity to testify on SB 568 concerning the increased authorization of nonresident deer permits. Currently, statute limits the number of nonresident deer permits to no more than five percent of resident permits issued. SB 568 would increase this authorization to authorize no more than ten percent of resident permits.

Increasing the number of nonresident deer hunters in Kansas is consistent with the department's objective of reducing the number of antlerless white-tailed deer. Although most nonresidents are drawn to Kansas for the opportunity to hunt bucks, the increased availability of nonresident antlerless permits and big game tags (antlerless-only permits) would undoubtedly increase the overall harvest. The department supports SB 568 and would suggest amendments to the bill that would further our efforts to reduce deer numbers and respond to public concern.

The effect of our suggested amendments include:

- authorizing permits for nonresidents at no more than 10% of the number of resident permits for antlered deer -- this would include "any deer and either-sex permits"
- removing the cap on antlerless-only permits for nonresidents;
- requiring publication of the Hunter Referral Program in newspapers across the state;
- requiring publication of the Damage Control Permit Program in newspapers across the state;
- establishing a toll-free telephone number, for both programs mentioned above, to provide landowners with information and department contacts for each program; and
- developing site-specific plans to address deer-vehicle accident concentration areas, for review by the legislature.

The administrative, regulatory, and statutory initiatives described on a separate sheet, entitled "2000 Deer Management Initiatives" (attached) are designed to incorporate legislative desires expressed in bills submitted to both House and Senate Committees. These amendments and actions would comprehensively address deer population reduction and associated issues.

SB 568 and these measures complement and expand current department efforts to reduce deer numbers and resolve conflicts. The measures are effective and efficient. We believe that they will add substantially to our ability to reduce deer numbers and respond to public concern about deer. Regulatory actions will increase the harvest of antlerless deer by establishing a 14-day antlerless-only season. During this season all unfilled/unused permits will be valid for use but only for antlerless deer. Through other regulatory action, hunters will be restricted to one opportunity to take a buck. All other permits issued will be for antlerless deer only. Antlerless-only permits will be increased statewide. Finally, additional regulatory changes would ensure that any licensed hunter or landowner would be able to purchase big game tags (antlerless-only) for the 14-day, antlerless-only season.

Statutory actions described in SB 568, with amendments suggested by the department, would increase nonresident hunting in Kansas. Unlimited antlerless permits for these hunters would add to the doe harvest. Increased nonresident hunter numbers would provide landowners, guides, and outfitters with a larger pool of individuals to market deer hunting. The increase in nonresident permits authorized would match the demand (as measured by permit applications) that we received for the 1999-2000 seasons. This increase would make it more certain and financially viable for landowners or guides to lease land for nonresident deer hunters. Land leasing involves charging for the hunting opportunity. It provides money for landowners and opportunities for guides and hunters. Although we recognize the difficulty that exclusive hunting access creates with deer management, we appreciate landowner desires to make money from providing hunting opportunities.

The suggested amendments should provide better public knowledge of opportunities to resolve deer damage to property. In addition, we may be able to devise plans to reduce deer-vehicle

accidents in those areas experiencing a concentration of accidents. These plans will involve KDOT, department personnel, and adjacent landowner cooperation.

I believe that SB 568 as introduced, is a sound approach and adds to current efforts for effective deer management. The suggested amendments and complimentary actions described in our "2000 Deer Management Initiatives" make this comprehensive package a substantial step toward reducing deer numbers and the conflict associated with deer. I will be testifying later today to the House Committee on Environment encouraging them to adopt the same substitute language, I am optimistic about their concurrence. I encourage you to report SB568 and our suggested amendments, favorable for passage.

Thank you for the opportunity to comment.

Madame Chairperson and Members of the House Environment Committee

I have lived in our state for most of my life and have hunted and fished here for more than 20 years. My family also owns a small farm in Coffey County which qualifies me as a landowner under current Kansas law.

I must tell you, as a sportsman and a landowner, I find the contents of Bill 568 offensive.

The Kansas Department of Wildlife and Parks has spent decades building a deer herd that is the envy of sportsmen everywhere and passage of this legislation is in direct conflict with our history of careful, intelligent management. It is, in fact, a blatant attempt to commercialize our deer herd and sell out the interest of resident Kansas hunters. Permission to trespass on private land that has traditionally been given freely in most cases, will instead be auctioned off to the highest bidder and conservation efforts will, once again, take a back seat to economics.

One of the aims of this bill seems to be population control, but this problem needs to be responsibly addressed. The control methods in this bill do not meet the needed criteria. The root of the problem is too many whitetail does. This bill does not resolve this. It gives landowners for each 80 acres, 2 antlered and 2 antlerless deer. It does not differentiate between species and does not take into consideration that some 80 acre parcels may not need 4 deer harvested.

Wildlife and Parks has already effected programs to contain the population and improve the quality of our herd, such as the deer game tag and the extra season in January. These programs are well thought out by experts in this field. They are flexible to our changing yearly needs and they target the root of the problem, WHITETAIL DOES. These are responsible programs that benefit sportsmen and landowners alike.

In closing I would like to say that I would not object to sharing our rich Kansas hunting heritage with non-residents, but it should be done the right way, it should be well thought out and carefully planned by qualified experts, not hastily thrown together as this bill appears to be.

I must tell you that it saddens me and makes me sick to my stomach to think that our carefully nurtured hunting heritage could be put on the auction block. There are some things that should not be for sale, so as both a sportsman and a landowner, I urge you ladies and gentlemen, to stop this Bill right here.

Thank you

Dennis A. Brown

Dennis A. Brown
13661 S. California Rd.
Carbondale, Ks 66414
Phone - 785-836-7794

*House Environment
3-7-00
Attachment 17*



Date: 3/7/00

To: House Committee on Environment

RE: Senate Bill Number 568

The Kansas Bowhunters Association adamantly opposes this bill as it is currently written. The language amended to the bill on the Senate floor does meet the States interests in reducing the deer problem. Populations of deer that anger certain regions of our State are not going to be reduced if this ongoing battle over selling deer continues. Selling a product that has "demand" requires a "supply".

The total disregard for the species as well as the lack of specifying the sex on the proposed HOYOL tags should throw up red flags. That alone should stop the passage of this bill. Our State is a Mecca for trophy hunters and both gun and archery hunters have benefited from the work KDWP has accomplished. The record books show this fact and it cannot be disputed. This bill is about hunting and how to monopolize it for profit.

The bill would allow someone to purchase two tags per 80 acres and kill four deer with those tags. The sex is not specified, nor is the species. We do not feel this was an oversight on the author's part. This is designed to allow multiple bucks to be shot by paying clients even in areas that cannot afford the loss of deer especially mule deer of either sex. We would call this mismanagement. This is certainly not management for the reduction of our States deer herd. This is a bill designed to profit from a State resource.

This is a blatant attempt to guarantee a supply of tags for resale to improve leases or obtain more acreage for lease hunting. There is money available ~~and those tags will resale for large amounts of it~~. Does that money always go to the landowner? We don't think so. We believe only a small percentage will actually go to the landowner/steward for these tags unless he is the guide and outfitter as well. Even if this was true in every case, what does that do to reduce deer/auto collisions. Nothing. Paying clients won't tolerate competition especially those that don't pay the same price they did.

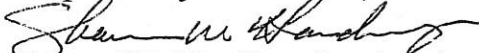
*House Environment
3-7-00
Attachment 18*

The KBA does not understand how certain lobbyists can endorse a bill that has no merits in solving their largest problem, the problem that the state wants resolved. Let alone being passed by our States Senators.

KDWP is working hard to eliminate the problem areas and does it under constant criticism. We feel it is undeserved and nonproductive considering the complexity of the problem concerning deer population control in an agricultural environment. The problem is private land access and reduction of doe deer. Let the biologists and resident hunters continue to pressure the herd back to controllable levels.

In closing, the **KBA** asks that the House Committee on Environment read between the lines and remove the language of SB-518 from Senate Bill 568. The bill that passed the Senate Committee on Natural Resources is acceptable to our organization. If that is not possible, kill this bill and lets work HB2977. This is nonproductive self- serving legislation that eliminates biology from the management equation.

Respectfully Submitted,



Shawn W. Harding, Legislative Committee Chair



**KANSAS WILDLIFE
FEDERATION**

The voice of outdoor Kansas

March 7, 2000

Testimony in Opposition to Senate Bill 568

By

Spencer Tomb

Vice President and Chair

KWF Issues and Actions Committee

The Kansas Wildlife Federation is a broad based conservation education organization dedicated to the sustained use and conservation of natural resources in Kansas. We consist of eight affiliate clubs and individual members with a total membership of about 2,300. We are the Kansas affiliate of the National Wildlife Federation which has 9,000 members in Kansas.

We appreciate this opportunity to share our views on Senate Bill 568. We consider this bill to be the single most far reaching piece of wildlife legislation that has been considered in the Kansas Legislature in the last ten years and we are strongly opposed to it. Senate Bill 568 started out as a bill that would have been supported by the Kansas Wildlife Federation and most Kansas hunters, but it was amended on the floor of the Senate and passed without serious consideration of the unintended consequences of the amendment. The amendment would give landowners two deer permits for each 80 acres that they own and these permits could be sold by landowners to resident or non resident hunters. That would give a landowner with 640 acres 16 deer permits.

We think that some Senators may have thought that this would help curb the deer population. The truth is that the "outfitting system" created by this bill will reduce and restrict KDWP's ability to control the deer herd. It will decrease deer hunting by general resident hunters and even reduce hunting access for upland bird hunters. This amendment is a far reaching major change that will have negative impacts on all hunting in Kansas. It is a change in an established and time honored principle of wildlife law in the United States. Our country was settled by those who left Europe where the wildlife was owned and controlled by the landowner. In the United States, wildlife is owned by all of the people of the states and hunting is an activity that can be enjoyed by all of the people. This bill as amended grants ownership of the Kansas deer herd to landowners and that is a major reason that we oppose it.

Our deer regulations have evolved as a series of complex compromises among rifle and primitive method hunters and general resident hunters and landowners. These sorts of things are best worked out by the Kansas Wildlife and Parks Commission rather than in the Legislature. The changes in this bill will result in closing of land to hunting by bird hunters and general resident hunters and will result in fewer deer taken and especially fewer does on lands where landowners have sold these permits. It will also result in the further decline of recreational hunting.

We urge you to delete the amendment that will give deer permits to landowners that can be sold because this is counter to tradition of the wildlife belonging to all of the people of a state and because of the unintended and far reaching negative consequences it will have.

*House Environment
3-7-00
Attachment 19*