

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on January 27 in 245-N of the Capitol. The chair and vice-chair were absent for a portion of the meeting and Senator Biggs acted as chair at that time.

All members were present except:

Committee staff present:

Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Al LeDoux, Director, Kansas Water Office
Steve Williams, Secretary, Wildlife and Parks
Clint Riley, Wildlife and Parks

Others attending:

See attached list.

A request from Al LeDoux, director, Kansas Water Office for introduction of a bill to move the position of assistant director of the Kansas Water Office from the classified to the unclassified service was presented (Attachment 1). Senator Biggs moved to introduce the bill, motion was seconded by Senator Vratil. The motion carried.

Clint Riley, Wildlife and Parks, requested introduction of a bill on boat safety. Senator Goodwin moved to introduce the bill, motion was seconded by Senator Vratil. Motion carried.

Senator Stephens moved to adopt the minutes of January 25, 2000, seconded by Senator Vratil. Motion carried.

Secretary Steve Williams, Wildlife and Parks, gave an update regarding their roll in controlling the deer population in the state (Attachment 2). His testimony contains:

- Deer Management Goal
- Deer Population Trend
- Major On-going Concerns
- KDWP Response to Population Trend
- Response to KDWP Management Actions
- Complicating Issues
- Future Management Options

Members of the committee asked many questions about the current programs and what can be done to be more effective in controlling the deer population. A good deal of concern was expressed about the increasing number of automobile accidents involving deer. Some members thought the current programs were not effective and other steps need to be taken to reduce the population, some suggestions were extending the season, allowing hunting during the rut, allowing farmers tags that they could sell to out of state hunters. It was suggested there is a perception by the public that nothing is being done to control the deer population so there is a lot of public frustration.

A requested was made to Secretary Williams to provide the committee with an estimate of the deer population increase over the past several years.

The meeting adjourned at 9:02 a.m., and the next meeting will be on January 28, 2000.

SENATE ENERGY & NATURAL RESOURCES
 COMMITTEE GUEST LIST

Please Sign in
 Black Ink

DATE: 1-27-2000

NAME	REPRESENTING
<i>Lavene Cole</i>	<i>Sen. Tyson Intern</i>
<i>Orville Cole</i>	<i>Sen. Tyson</i>
MIKE NICKELS	OLD SCHOOL GUIDE SERVICE
Rick Herber	old school Guide Service
DICK CARTER OK	TIAK
Clint Riley	KDWP
Leslie Kaufman	KFB
Vivien Olsen	Ag Res & Comm.
Chad Loce	KDWP
Spencer Tombs	Kansas Wildlife Federation

STATE OF KANSAS



Bill Graves, Governor

KANSAS WATER OFFICE
Al LeDoux
Director

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

785-296-3185
FAX 785-296-0878
TTY 785-296-6604

DATE: January 26, 2000
TO: Senator David Corbin
FROM: Al LeDoux *AL*
SUBJECT: Proposed Legislation

I have enclosed a draft bill I would like to have introduced by the Senate Committee on Energy and Natural Resources. The bill moves the position of Assistant Director of the Kansas Water Office from the classified to the unclassified service. This bill was recommended last spring by the Division of Personnel Services and is supported by Governor Graves.

I will meet with you in the near future to answer any questions you may have. If you have questions or comments before then, please contact me.

AL/rm
enc.

Thanks,
AL

Senate Energy & Natural Resources

Attachment: 1

Date: 1-27-2000 *ML*

KANSAS DEER MANAGEMENT PRESENTATION

Senate Energy and Natural Resources Committee

January 27, 2000

Deer Management Goal (from *Focus 2002 Strategic Plan*)

- “manage deer populations at levels compatible with their habitat and acceptable to the public”
- current objective: significant reduction in white-tailed deer numbers

Deer Population Trend

- 10 year population growth 1989-1998 (approx 4,000-10,000 accidents/year) (*p. 3, fig. 1*)
- real growth began in 1992 due to conservative permit allocation (1990-1994) (*p. 3, fig. 2*)
- population growth estimate is based on the statewide deer-vehicle accident reports from KDOT
- trend data is used rather than population estimates or counts due to high expense and low validity of population surveys - trend data is sufficient for management
- issues to consider: increased number of registered vehicles, daily vehicle miles traveled, total accidents, speed limit increased in 1996

Major On-going Concerns

- increased deer-vehicle accidents - physical injury and property damage
- deer damage complaints - economic losses to producers
- urban/suburban deer populations
- problem and concerns are shared nationwide

KDWP Response to Population Trend (*p. 4*)

- KDWP has employed aggressive and effective means to reduce deer numbers
- Increased Permit Availability (*p. 5, fig. 3*)
- Extended Seasons (antlerless only) (*p. 5, fig. 4*)
- Increased Hunting Access
- Options for Landowners
- Deer Control Permits (*p. 7*)
- Landowner-Hunter Referral Service (*p. 9*)
- Increased Regulatory Flexibility

Senate Energy & Natural Resources

Attachment: 2

Date: 1-27-2000 2-1

Response to KDWP Management Actions

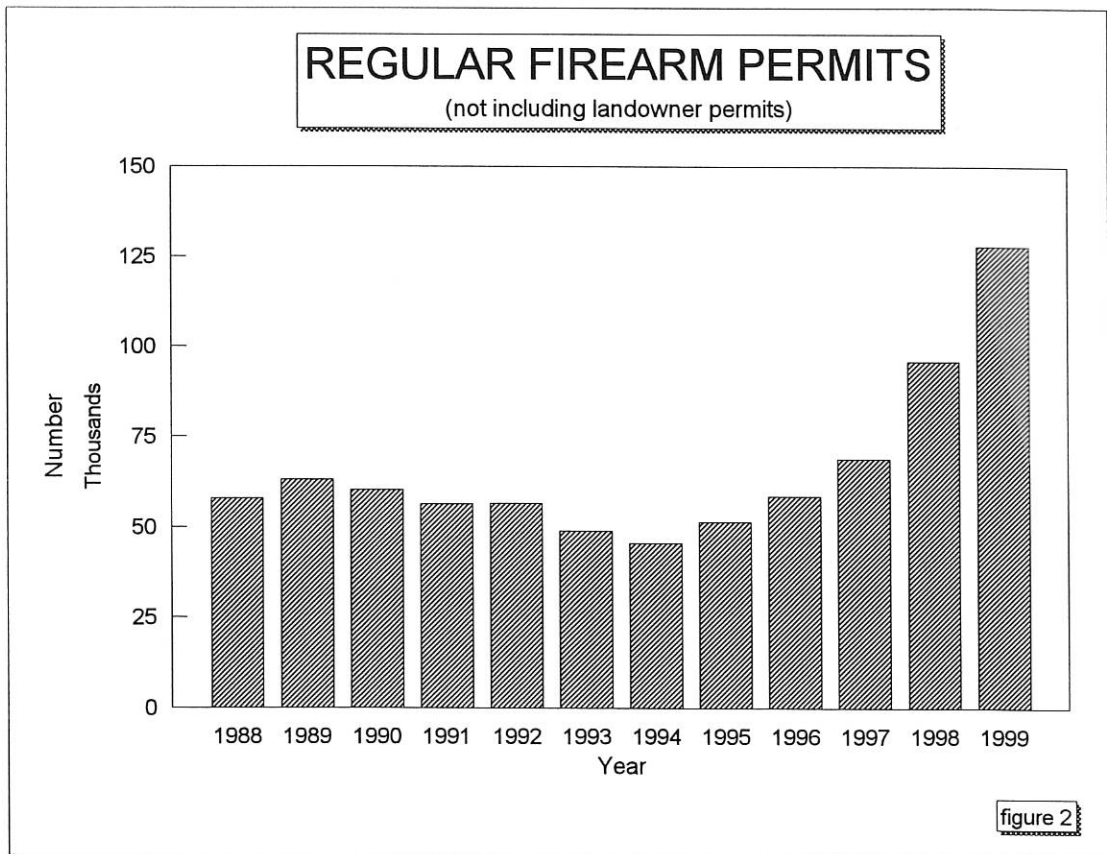
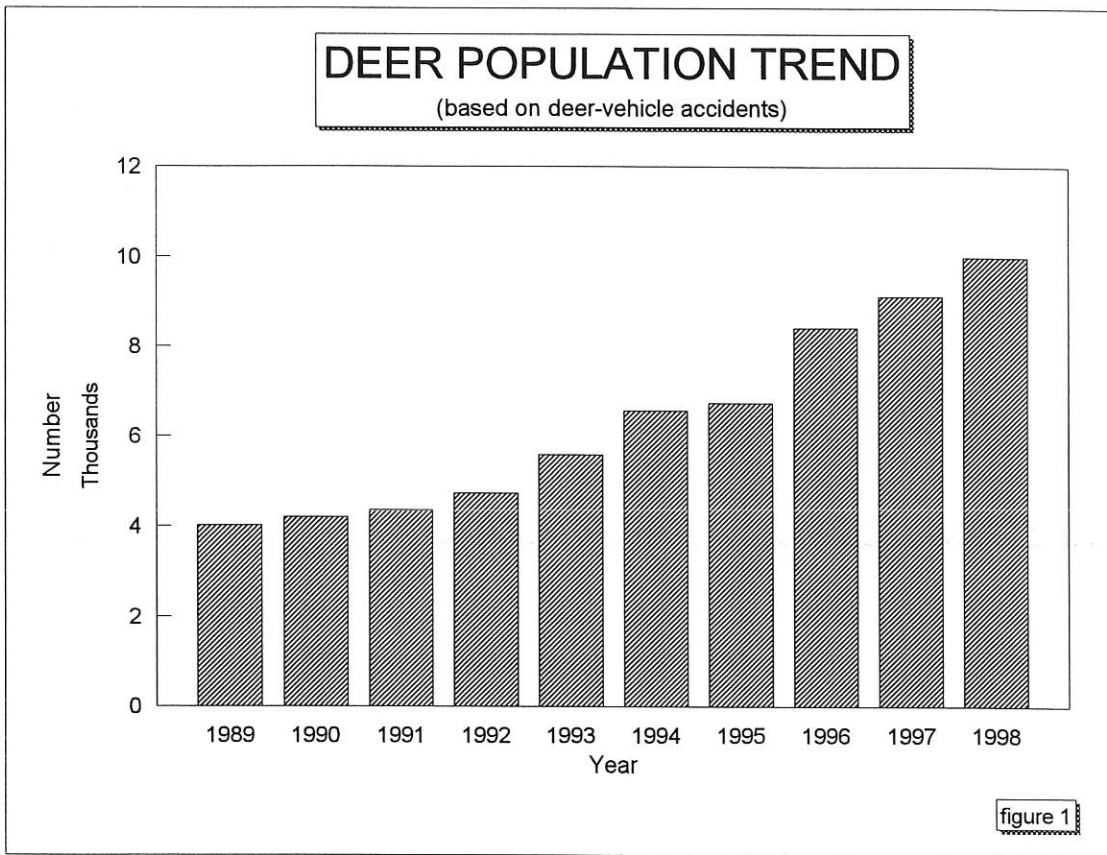
- increased deer harvests (*p. 12, fig. 5*)
- increased antlerless (doe) harvests
- January-February deer-vehicle accident trend (*p. 12, fig. 6*)

Complicating Issues

- hunter acceptance of KDWP management actions
- urban/suburban sprawl into deer habitat (and vice/versa)
- highly adaptive nature of white-tailed deer
- information and education programs (getting the message to hunters and landowners)
- private land access issues (no hunting, restricted access, and exclusive right, leased access) creates safe havens or refuges for deer during the hunting seasons
- ***in Kansas, hunter access to property is becoming the key, limiting factor to deer population reduction -- landowners clearly have the right to restrict or prohibit hunting on their property; however, this action restricts hunters from killing deer***

Future Management Options

- increase the harvest of antlerless (doe) deer by increasing deer permit allocations for antlerless deer (*KDWP action*)
- extend the antlerless-only season to 14-days for 2000 (*Commission action*)
- reduce the minimum age for big game hunters (*proposed legislative action*)
- recruit future and retain current deer hunters (*KDWP's "Pass It On" program*)
- increase the statutory cap on nonresident deer hunting permits (*proposed legislative action*)
- simplify the deer permitting process (*in progress*)
- develop urban deer management programs (*in progress*)
- increase participation in the Landowner-Hunter Referral Service (*KDWP action*)
- enroll additional acreage in the WIHA program (*KDWP action*)
- improve landowner knowledge of deer management options (*KDWP action*)
- implement the Deer 2000 Project - listening tour, permit simplification, future program development (*KDWP action*)



KANSAS DEPARTMENT OF WILDLIFE AND PARKS

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

Deer Management Initiatives since 1995

- 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.

PERMIT AVAILABILITY

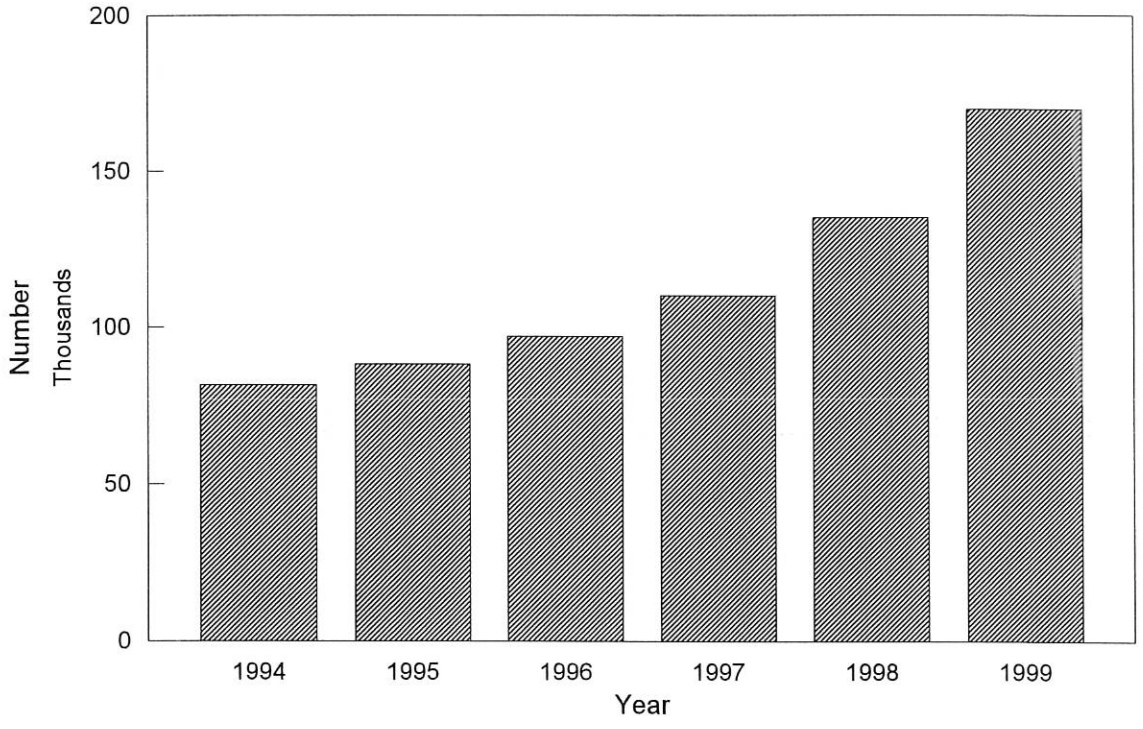


figure 3

FIREARM SEASON LENGTH

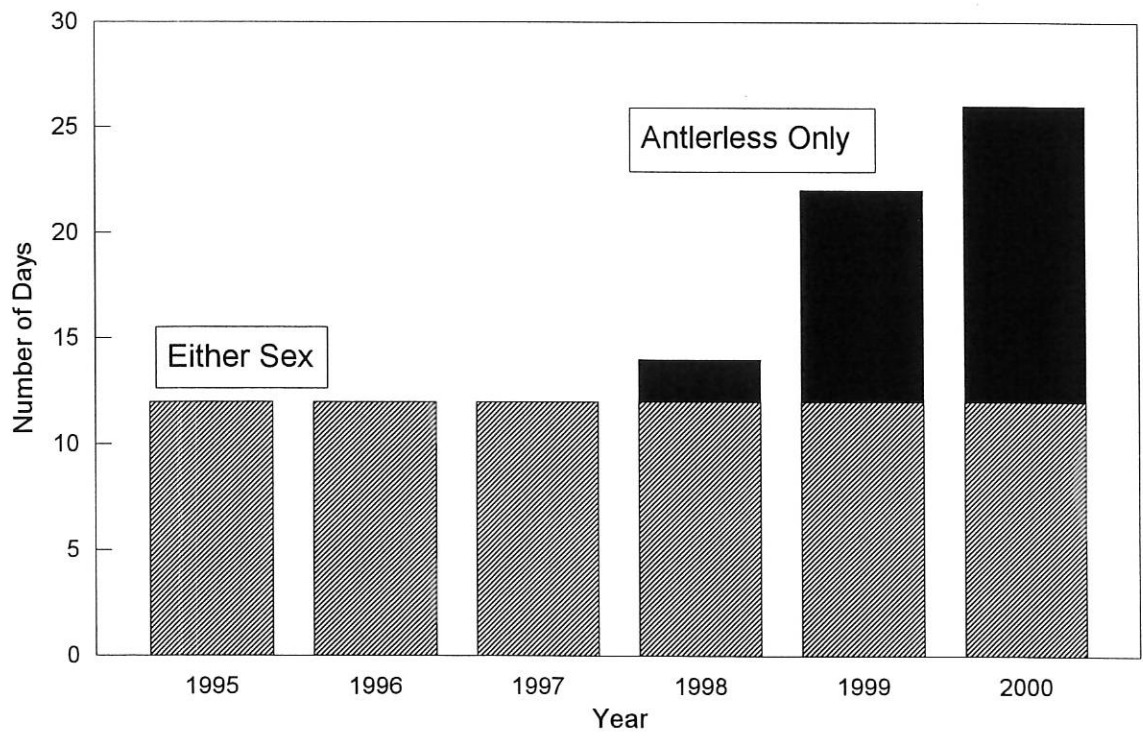
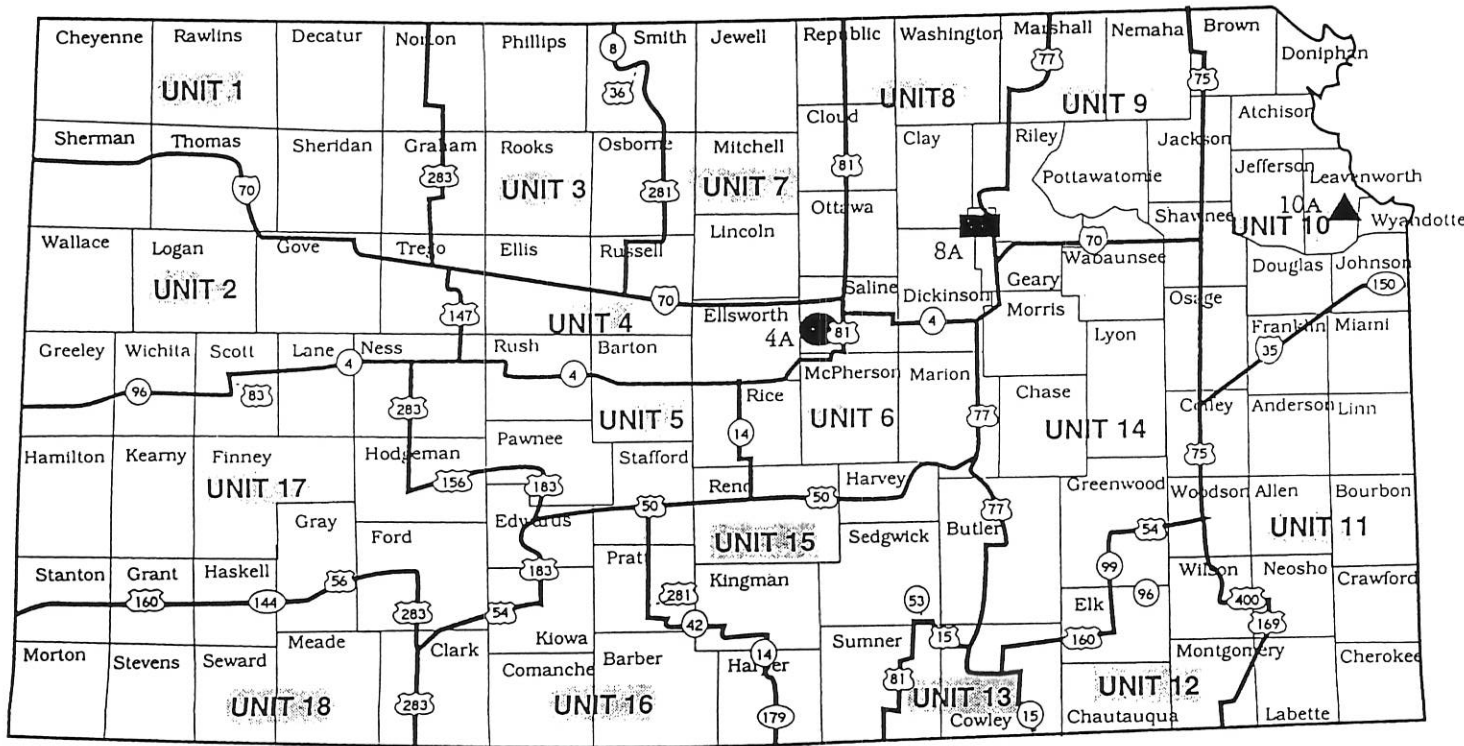


figure 4

1999 KANSAS DEER MANAGEMENT UNITS



● SMOKY HILL A.N.G. RANGE, UNIT 4A ▲ FT. LEAVENWORTH, UNIT 10A ■ FT. RILEY, UNIT 8A

DEER PERMIT OPTIONS

GENERAL (fee \$30.50)

Any resident of Kansas not qualified as a landowner/tenant.

LANDOWNER/TENANT (LO/T) (FIREARMS UNIT PERMIT) (fee \$15.50)

Must qualify as a Landowner/Tenant in unit applying for (see permit classes). All Landowner/Tenant applications will be processed through the computer drawing along with all General applicants. Landowner/Tenant permit allows you to hunt anywhere in the unit specified on permit. Landowner/Tenant will not have priority in the computer drawing.

HUNT-OWN-LAND PERMIT (Must qualify as a Landowner/Tenant) (fee \$10.50)

(Units 1-16 bag limit: one any deer. Units 17 & 18 bag limit: one whitetail deer OR one antlered mule deer.

Requires an application that includes a legal description of your land. Permit allows you to hunt ONLY on land you own or operate for agricultural purposes. Permits may be purchased through season at the Pratt office, department regional offices, and most park offices. (Only one Hunt-Own-Land permit per applicant.)

NONRESIDENT HUNT-OWN-LAND DEER PERMIT (Must qualify as a Landowner/Tenant) (fee \$50.50)

To qualify for a nonresident Hunt-Own-Land permit you must own, operate, or manage at least 80 acres of Kansas farm or ranch land. Requires an application that includes a legal description of your land. Applications may be obtained from the Pratt office, department regional offices, and most park offices.

HUNT-OWN-LAND DEER PERMITS may be purchased through January 8, 2000. Hunt-Own-Land permits may be transferred to any lineal or collateral relative and their spouses, or may be retained for use by the landowner/tenant. An additional permit fee of \$30.50 is required to transfer a Hunt-Own-Land permit. See Hunt-Own-Land application and transfer application for special transfer instructions.

2-6

9

DAMAGE CONTROL PERMITS WILL NOT SOLVE ALL PROBLEMS

A deer damage control permit is not the answer to all situations where landowners are experiencing damage. Some situations will continue to attract deer, even when many have been removed. Certain high-value crops, such as orchards and nurseries, may not be effectively protected using firearms and damage control permits. Fencing to exclude deer from these areas may be more cost effective than attempting to shoot deer as they enter the area.

DEVELOPING A MANAGEMENT PLAN

The most effective and efficient means for controlling excessive deer populations and the resulting damage they cause is through harvesting deer during established hunting seasons. This approach can place sufficient hunters in the field to harvest deer over a wide area. Regulation of permit numbers and permit types available to hunters ensures that sustained harvests will occur; however, local deer populations still may develop that detrimentally affect some agricultural producers. Deer control permits may be used to address these situations.

Deer population growth is influenced by the number of does in the population and the quality of the habitat available to them. The KDWP stresses the importance of harvesting antlerless deer in order to regulate the growth of the population.

Landowners are encouraged to cooperate with regular hunting season efforts to control

deer populations, encouraging neighbors to allow a sufficient harvest on their lands. Allow legal 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 the 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. KDWP staff is available for consultation regarding the need for such cooperation.

For further information concerning deer damage control permits and other control measures, contact your local District Wildlife Biologist, Conservation Officer, or a KDWP office near you.

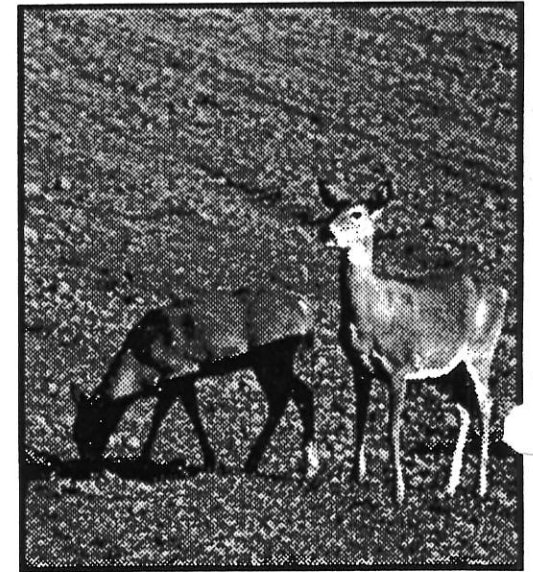
KDWP Major Offices

Operations office, Pratt	(316) 672-5911
Region 1, Hays	(785) 628-8614
Region 2, Topeka	(785) 273-6740
Region 3, Dodge City	(316) 227-8609
Region 4, Wichita	(316) 683-8069
Region 5, Chanute	(316) 431-0380
KS City District Office	(913) 894-9113
Emporia Office	(316) 342-0658

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

DAMAGE CONTROL PERMITS:

An Option for Addressing Deer Damage Problems



Kansas Department of Wildlife & Parks

May 1999

This brochure outlines lethal control options landowners may use to address deer damage. Nonlethal techniques are described in a brochure produced by the Cooperative Extension Service titled, "Controlling Deer Damage." Site-specific assistance is available from any district wildlife biologist (DWB) or conservation officer (CO) from the Kansas Department of Wildlife and Parks (KDWP). Permits authorizing lethal control measures and possession of a deer carcass outside normal deer hunting seasons may be issued by any DWB or CO.

DEER MANAGEMENT GOALS

Deer are protected as a valuable public resource by state law and regulations. Provisions are authorized to allow for wise use 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 established through this process is: "...to manage 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 rights to protect their property. These rights may be applied to deer damaging crops. Both court decisions and Attorney General Opinions have shown that these rights are not without limitations. The landowner must demonstrate that deer are causing substantial damage to

property. KDWP staff will consider any visible current deer damage to be substantial in this context.

Regulation K.A.R. 115-16-4 authorizes the Secretary of Wildlife and Parks to issue deer control permits. This regulation provides landowners with a legal means of controlling deer and using the meat of deer that are killed during this operation. The permits are intended to address localized problems. DWBs and COs are responsible for working with landowners in implementing the use of deer damage control permits.

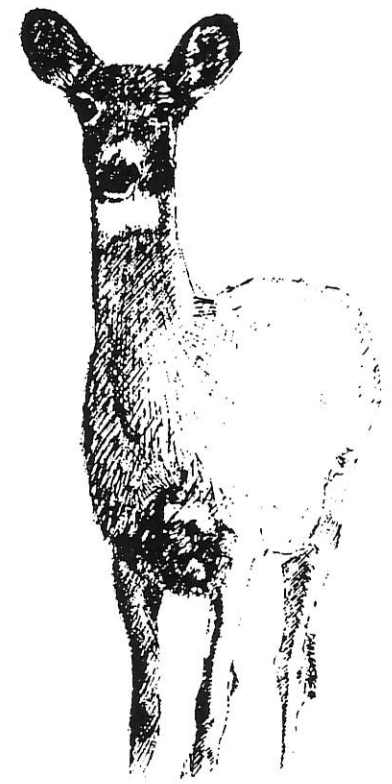
OBTAINING DEER CONTROL PERMITS

- The landowner contacts the nearest KDWP office. A KDWP staff member will contact the landowner within five working days of notification of a deer damage situation.
- The damage area will be inspected by the landowner and DWB or CO.
- If control permits are needed, an application will be prepared and damage control permits will be issued quickly.
- Each deer damage control permit is written for a specific case. When authorized, the permits will allow the landowner to kill a prescribed number of deer on the property.

- Taking antlerless deer will be emphasized during control operations.
- Permits and possession tags will be assigned to the landowner and the landowner will be responsible for the control operation.
- The landowner may issue the permits, without cost, to a designated person(s), who may act as the control agent.
- A designated agent must be a Kansas resident and must have a Kansas hunting license, unless exempt.
- Landowners will be required to follow prescribed procedures and to report on the results of their control efforts.
- As a condition for receiving deer damage control permits, the landowner must agree to allow firearms deer hunting on their property during that year's regular or extended firearms deer season.
- Hunter access to the landowner's property is at the landowner's discretion and by landowner permission.

2-9

Hunter Referral Program



Bringing HUNTERS and LANDOWNERS together to help manage deer population on private land

6

HOW DO LANDOWNERS SIGN UP FOR THE PROGRAM?

For the opportunity to find hunters to help you manage deer populations on your land, contact the nearest Kansas Department of Wildlife & Parks office listed below.

Kansas Wildlife & Parks
512 SE 25th Ave.
Pratt, KS 67124
(316) 672-5911

Kansas Wildlife & Parks
6232 E. 29Th St. North
Wichita, KS 67220
(316) 683-8069

Kansas Wildlife & Parks
1426 Hwy. 183 Alt.
Hays, KS 67601
(785) 628-8614

Kansas Wildlife & Parks
1500 W. 7Th
Chanute, KS 66720
(316) 431-0380

Kansas Wildlife & Parks
3300 SW 29th
Topeka, KS 66614
(785) 273-6740

Kansas Wildlife & Parks
1830 Merchant
Emporia, KS 66801
(316) 342-0658

Kansas Wildlife & Parks
1001 W. McArtor
Dodge City, KS 67801
(316) 227-8609

Kansas Wildlife & Parks
14639 W. 95th
Lenexa, KS 66215
(913) 894-9113



Equal opportunity to participate in and benefit from programs described herein is available to all individuals without regard to race, color, national origin, sex, religion, age or handicap. Complaints of discrimination should be sent to Office of the Secretary, Kansas Department of Wildlife and Parks, 900 Jackson St., Suite 502, Topeka, KS 66612. 9/99

HOW DO I FIND HUNTERS WHO HAVE SIGNED UP FOR THE HUNTER REFERRAL PROGRAM?

Contact the Kansas Department of Wildlife and Parks addresses or phone numbers listed in this brochure to receive information about hunters looking for a place to hunt in your area. After reviewing the information, you may want to schedule a pre-season meeting with your prospective hunters before making your final decision. This meeting gives you the opportunity to get to know the hunters and to explain exactly when and where hunting is allowed.

WHAT ARE THE HUNTERS' RESPONSIBILITIES WHILE HUNTING ON MY LAND?

Hunters must abide by the guidelines and ground rules established by the landowner. They must be properly licensed and adhere to all appropriate hunting regulations. They must conduct themselves safely and ethically at all times by always clearly identifying their target and what's behind it, leaving gates as they find them, watching out for livestock, and packing out their litter. It is their job to be good-will ambassadors for all hunters. All hunters in the program should keep in mind that their safe and ethical behavior enhances their chances of being invited back to hunt next season.

HOW DO HUNTERS SIGN UP FOR THE HUNTER REFERRAL PROGRAM?

Hunters can obtain a postcard application from any Kansas Department of Wildlife and Parks office, or by calling (316) 672-5911 and asking for the Fisheries and Wildlife Division. After completing the form, the hunters mail them to the address on the back of the postcard. They then wait to be contacted by a landowner who is seeking hunters. Applications will be on file for a single season only, so hunters will need to complete a new referral form if they want to be considered for the following year. Submitting the form does not guarantee that a hunter will be offered a place to hunt.

WHAT IS THE HUNTER REFERRAL PROGRAM?

The Hunter Referral Program is intended to help landowners manage deer numbers on their property by increasing deer harvest. Deer populations are above desired levels in some parts of Kansas, and some landowners are seeking ways to reduce deer numbers. The referral program puts landowners in contact with hunters who are looking for a place to hunt.

WHEN WILL THE PROGRAM BEGIN AND WHERE WILL IT BE IN EFFECT?

The program will be in effect for all deer hunting seasons (archery, muzzleloader, regular firearm, and the extended white-tailed antlerless season). Many landowners and their families hunt during the established deer seasons, but sometimes not enough deer are taken to control populations. The Hunter Referral Program provides an opportunity for landowners to increase deer harvest on their land by inviting selected hunters to take additional deer.

AS A LANDOWNER, HOW CAN I BENEFIT?

Typically, hunting is the only significant source of mortality for white-tailed deer. Therefore, the harvest of deer on your property during the hunting season can influence the number of deer that are present. Because female deer add to next year's deer population, taking does is especially important in determining how well deer numbers are controlled on your property. Allowing hunters to harvest antlerless deer is the most effective way to reduce deer numbers now and in the future.

HOW MANY DOES SHOULD HUNTERS TAKE EACH YEAR ON MY LAND?

There is no simple answer to this question. The number of does that should be taken depends on the size of your property, the quality of the habitat, and the amount of hunting pressure on surrounding properties. However, if you believe there are too many deer, then you should encourage hunters to take their limit of antlerless deer.



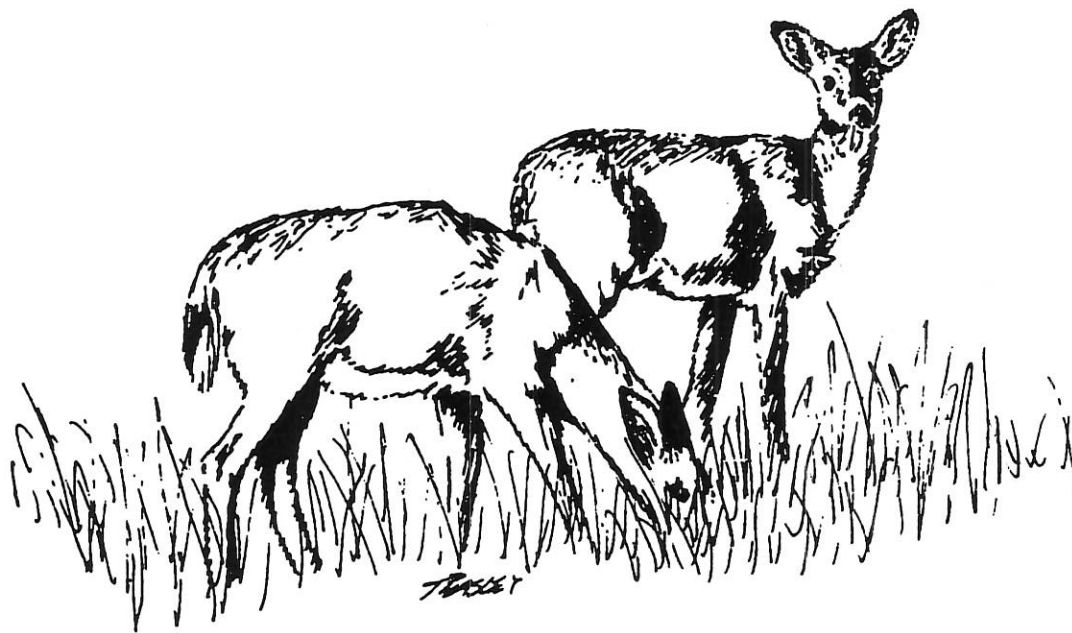
2-10

WHAT ARE MY RIGHTS AS A LANDOWNER?

As a landowner, your participation in the Hunter Referral Program is strictly voluntary. You alone decide whether to invite hunters on your land. In addition, you establish all the ground rules for any hunter you allow on your property. As landowner, you have complete control over when, where, and who gets to hunt.

WHAT IS MY LIABILITY IF I ALLOW HUNTERS ON MY LAND?

Under Kansas law, a landowner who does not charge a fee for hunting privileges or other recreational use is not liable for injury to a hunter caused by any condition, structure or personal property on the land. The landowner does not have to keep or assure that the land is safe for hunting. However, this law does not pertain to the landowner's grossly negligent failure to warn against conditions the landowner should know to be dangerous.



01-2

01

Kansas landowners have expressed interest in allowing additional antlerless deer hunting during legal seasons. However, they have indicated difficulty in locating hunters interested in harvesting antlerless deer, and have expressed support for a system by which they could contact hunters who are willing to harvest antlerless deer. If you would like to have your name, address, and telephone number supplied to requesting landowners, please complete the information on this postcard and mail it to Kansas Wildlife and Parks. The department will maintain and provide the list of hunters to requesting landowners. Hunters will be contacted by the participating landowner. It is important that you provide the **deer management unit** in which you are willing to hunt and your **preferred method of hunting (archery, centerfire, firearm, or muzzleloader)**.

IMPORTANT: If using your **primary or leftover firearm permit**, you may hunt only in the deer management unit indicated on the permit. **Deer game tags (whitetail antlerless only)** are valid in any management unit except 17 and 18.

The department does not certify performance or ability of hunters or landowners on the referral list.

(Cut along dotted line and mail bottom portion)

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____

Preferred deer management unit (**Circle those of interest**)

1 2 3 4 5 6 7 8 9

10 11 12 13 14 15 16 17 18

Preferred method of hunting (**Circle all that apply**)

Archery

Centerfire Firearm

Muzzleloader

POSTAGE REQUIRED

