

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Robert Tyson at 8:30 a.m. on February 4, 2002 in Room 423-S of the Capitol.

All members were present except: Senator David Corbin - excused

Committee staff present: Lisa Montgomery, Office of Revisor of Statutes  
Deborah McIntire, Committee Secretary

Conferees appearing before the committee:

J. Michael Hayden, Secretary, Department of Wildlife and Parks  
Keith Sexson, Assistant Secretary, Department of Wildlife and Parks  
Roger Wolfe of the Department of Wildlife and Parks

Others attending: See attached list

The meeting was called to order by Chairman Robert Tyson. Chairman Tyson announced that today's meeting is being held in lieu of the committee meeting scheduled for Friday, February 1, 2002 due to the inclement weather.

Senator Huelskamp moved that the minutes from the January 24 and January 25, 2002 meetings be approved. Senator Umbarger seconded the motion. The motion carried.

The first conferee to appear before the committee was J. Michael Hayden (Secretary, Department of Wildlife and Parks) who presented a brief update of the department and a handout (Attachment 1). He introduced Keith Sexson (Assistant Secretary, Department of Wildlife and Parks) and Roger Wolfe (Department of Wildlife and Parks).

Keith Sexson provided an update on the Kansas Deer Management Program (Attachments 2 and 3). Discussion and questions followed. Senator Umbarger commended the department on its Deer Management Program. Senator Lee commended the department on the youth hunt for this year.

Roger Wolfe provided an update on the Walk-In Hunting Program and the Kansas Buffer Partnership for Clean Water (Attachments 3 and 4). A booklet was distributed titled *Kansas Walk-In Hunting Area Atlas 2001* (on file with Legislative Research Department). As there was not enough time to complete his report, Chairman Tyson requested that he return at a later date to do so.

The subcommittee report on HB 2471 was postponed to the next meeting.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for February 7 at 8:30 a.m.



## The Wichita Eagle

Posted on Sun, Jan. 27, 2002

From The Wichita Eagle

Deer population discussed at commission meeting

**Kansas Department of Wildlife and Parks will vote on 2002-03 deer hunting regulations at its March 14 meeting.**

**By Michael Pearce**

**The Wichita Eagle**

TOPEKA -- Like most January meetings, Thursday's gathering of the Kansas Department of Wildlife and Parks commission began the groundwork for upcoming deer seasons.

Unlike the past few Januarys, however, there wasn't a line of motorists or landowners demanding the department harvest more deer.

The meeting's main theme ended up being the contrary.

"Five to 10 years ago, we saw herds of deer every day, now we may not see deer for a month and that scares me," said David Tasset, a landowner from Spearville.

"I think the unlimited game tags and January season have really hurt us."

Led by commissioner Thomas Warner of Manhattan, most commissioners said they'd heard similar complaints from landowners or constituents.

Some mentioned the deer-vehicle collision rate has dropped slightly the past two years.

Others said they didn't see many deer during the past seasons.

Ed Augustine of Junction City referred to his "Augustine Poll," where he counts the number of deer seen on opening day.

"Four years ago I saw 44, three years ago I saw 35. Then it was down to 17," Augustine said.

"This past opening day I saw just seven deer. I think we turned the corner (on reducing the herd) last year. I recognize we have pockets of plenty... but we also have pockets of poverty."

About a dozen people spoke to the commission. Most acknowledged the pressure the agency has been under from legislators to reduce crop damage and accidents.

None suggested it was time to totally back off pressure on whitetail does. They asked it only be done in areas with too many deer.

Warner suggested the agency consider reducing the number of game tags and only conduct the January season in management units with a proven overpopulation of white-tailed deer.

Wildlife and Parks secretary Mike Hayden and the agency's big-game program coordinator, Lloyd Fox, agreed to have harvest information and deer-vehicle figures for each of Kansas' 18 management units by the March 14 meeting in Norton.

Exact deer hunting regulations for the 2002-03 season will be voted on at that meeting.

The commission listened to opinions concerning the legality of using fiberoptic sights during the September muzzleloader deer season.

Mike Adams, vice president of the Kansas Muzzleloader Association, said he's frustrated with how technology has changed muzzleloaders since the first season in 1989.

He said he considers fiber-optic sights "... just another step. A line has to be drawn somewhere. We think this is it."

Pro-fiberoptic speakers were also in attendance, pointing out fiberoptics are legal for bowhunting and the majority of new guns come factory-equipped with the sights.

The issue will also be settled in March.

The only official action taken Thursday involved changing licensing requirements so those purchasing a furharvesting license could simply attest that they have passed the furharvester education course, rather than showing a card.

The commission also approved a law that said controlled shooting areas must report all game animals and birds harvested on their areas, including species not stocked.

Wording in current laws was also clarified to ensure that big game can be taken on controlled areas, with the proper permits during the standard seasons.

Though a common commission meeting visitor while governor, it was Hayden's first as the department's secretary.

He conducted the meeting and answered questions from the commission and general public without a hitch.

"I thought it was a good meeting with a lot of good discussion," Hayden said. "I felt very comfortable."

# Kansas Deer Management Program

The white-tailed deer population has been a discussion item before this committee on several occasions. Reducing the white-tailed deer population is a goal shared by our Department, the Legislature, agricultural interest groups and the general public. Although final statistics for 2001 are not yet available, the attached graphs depicting deer-vehicle accidents, total deer permits issued, and total deer harvest indicate that reduction measures are having a positive impact toward population control. Hunter harvest of antlerless deer remains the most effective and efficient means of controlling a deer population, and the Department intends to continue liberal deer permit availability and to focus on white-tailed antlerless deer harvest. Some of the key management actions initiated over the last five years to achieve that end are summarized below, and the Department is confident that management programs now in place will result in further reduction in white-tailed deer numbers.

## **White-tailed Antlerless-Only Deer Tags:**

For the 2001 season, 4 antlerless-only deer tags were allowed per hunter. This represented an increase of 2 tags compared to previous seasons. In addition, both resident and non-resident hunters could purchase these tags without first purchasing a regular archery or firearm permit, which is a change from previous seasons. These tags, at a cost of \$10.50 each, were popular with hunters who were interested in harvesting a deer for meat and had little interest in hunting an antlered buck. Nearly 64,000 of these tags were issued in 2000, and 60% of the total deer harvested, including all tags and permits sold, were antlerless deer.

## **January Deer Season:**

Established in 1998, the season is open to hunters having unfilled deer permits from the regular archery, firearms, and muzzleloader seasons. Hunters are allowed to harvest white-tailed antlerless deer only. This season was established to increase the harvest of antlerless deer and has expanded from a 2-day season to a 13-day season for January 2002. Twenty percent (20%) of the total deer harvest in the fall 2000 season actually occurred in January 2001.

## **Deer Damage Permits:**

Implemented in 1996, deer damage permits are available to landowners experiencing property damage caused by deer. Department personnel work with the private landowner to determine the desired deer harvest for that property and permits are issued. These permits are intended to address localized problems. During calendar year 2001, 1,300 tags were issued to 186 landowners and 400 deer were harvested.

As a convenience to landowners, a **toll free number (1-888-497-8661)** has been in operation since July, 2000. The calls are received in the Department's Pratt Headquarters, then forwarded to the appropriate field staff for response. This number is advertised quarterly in over 20 different newspapers throughout the state. During the first 6 month period, 145 deer damage related calls were received; only 86 calls were received during the last 12 months.

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Attachment # 2

**Over-the-Counter Sales of White-tailed Either Sex Permits:**

Before the 2001 season, hunters were required to send a written application by mid-July to obtain a white-tailed either sex permit. In 2001, hunters were allowed to purchase these permits at 30 Department offices or by mail, through January 12, 2002. Limited quota permits that allowed the harvest of mule deer in 9 western Kansas units continued to be distributed through an application and drawing system.

**Hunter Referral Program:**

Implemented in 1999, this program provides landowners the names of hunters who are willing to harvest antlerless deer from property experiencing deer damage. Nearly 14,000 hunter names were in the referral program for the 2000 season and 27 landowners requested names; 2,200 names were available for 2001 season and 11 landowners requested hunter names.

**Youth and Disabled Persons Season:**

In 2000, the Department initiated a 2-day, late September season limited to youth and disabled persons. This season provides an additional deer harvest opportunity for those who might otherwise have difficulty during the regular seasons.

**Urban/Suburban Deer Program:**

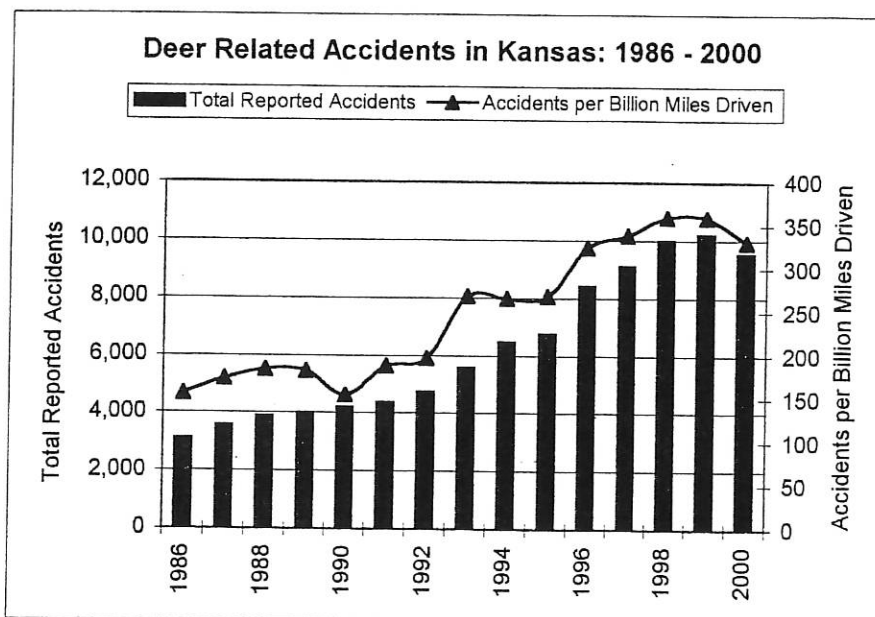
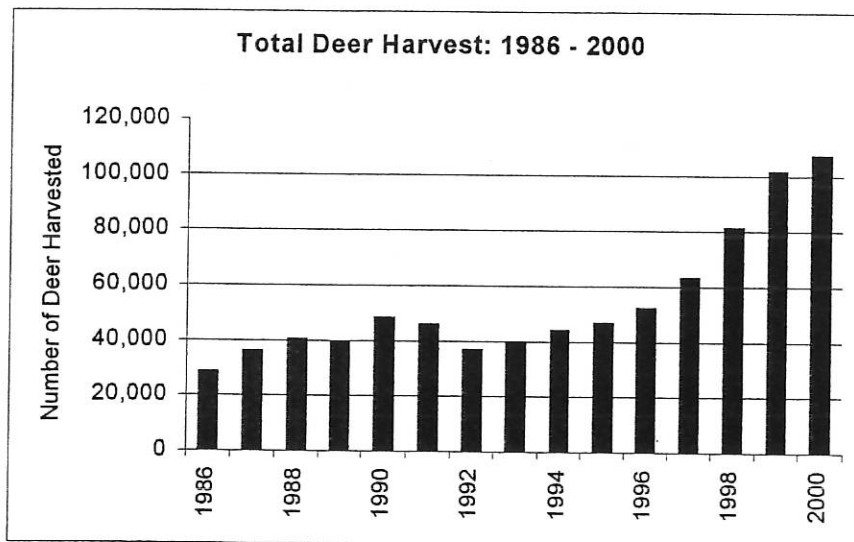
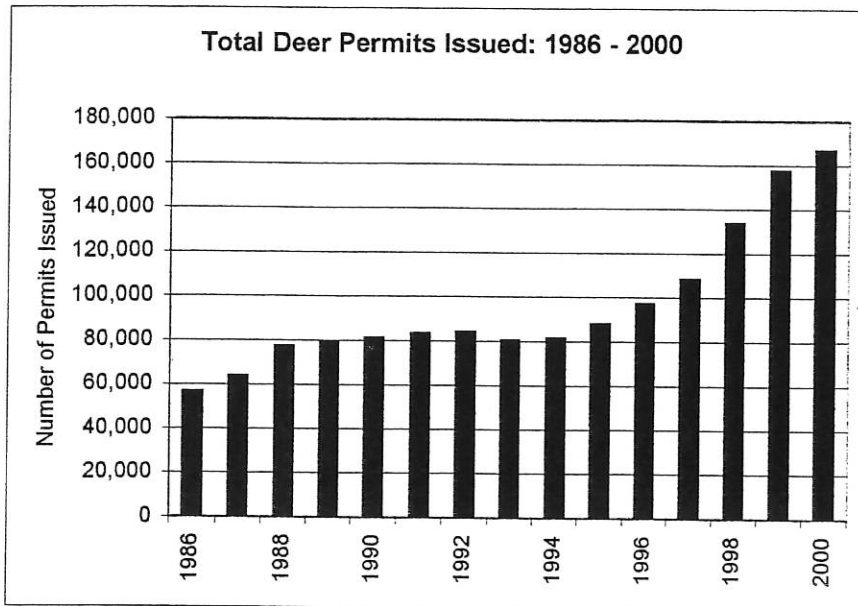
The special challenges for deer management in urban and suburban areas have resulted in the need to address deer populations in those areas. The Department is working cooperatively with city and county governments to develop programs to reduce deer damage and deer-vehicle accidents where population control is possible.

**Walk-In-Hunting-Area (WIHA):**

The WIHA program provides for the leasing of private land for public hunting access. While the program is primarily directed at upland game bird hunting, it does provide opportunity for deer hunter access to private land and is helping meet harvest objectives in areas where population control is desirable.

**Non-Resident Deer Permits:**

Deer permits for general non-resident hunters were first made available in 1994. The number of non-resident permits has grown to the 7,800 permits authorized for the 2001 season. All non-resident permits that can be used to harvest an antlered buck continue to be issued on a limited quota basis. Beginning in 2000, one-half of the quota are made available to resident landowners who, if successful in obtaining the permit, may transfer that permit to another person. Also beginning in 2000, non-residents were allowed to purchase white-tailed antlerless-only game tags without going through a drawing. Opening Kansas deer hunting to non-residents can enhance the ability to control deer populations through increased deer harvest.



## JANUARY HARVEST OF ANTLERLESS ADULT BUCKS

Adult male deer grow and shed their antlers in an annual pattern. Antler growth begins roughly in April and is completed by September. Antlers are generally shed in late winter, usually February March, but occasionally as early as January. Hunters have voiced concern about the January antlerless deer season because of the potential to harvest adult buck deer that have dropped their antlers. The concern is that this harvest lowers potential harvest of trophy class deer in future years, and that this type of harvest diminishes the value of the animals. There is also concern that harvesting this class of deer hinders the objective of the extended season, which is to slow the growth potential of the deer population by focusing on female deer.

The Department estimates that about 5 percent of the antlerless deer killed in January are adult males that have shed their antlers. When establishing the extended season for antlerless white-tailed deer it was expected there would be adult bucks with shed antlers in the harvest. However, some additional mortality among adult male deer was considered acceptable from a population dynamics standpoint if we could obtain sufficient harvest of female deer. From that aspect the January seasons have been a success. Reports of large numbers of adult male deer being killed during the antlerless season have not been supported by either field checks or by surveys of deer hunters. The Department examined 552 deer in detail that were killed by hunters during the 2002 January season and only seven of those deer were adult male deer that had shed their antlers.

There is some concern among hunters that harvest of adult males killed as antlerless deer may be worse during particular years or in regions of the state. The severe weather in December of 2000 is mentioned as a troublesome year when bucks may have shed antlers earlier due to weather stress. Report cards from deer hunters using game tags during the 2000-01 season showed that only 68 deer from a sample of 899 deer taken by hunters in January were classified as adult bucks that had shed their antlers. No patterns of north to south or east to west across the state suggested a regional difference in the prevalence of these animals.

Deer raised in captivity and housed outdoors have been observed daily through many years by researchers and farmers in other states. They provide another observation on the shedding of antlers by white-tailed deer. While there is a substantial difference in the dates when deer dropped their antlers, the date for each animal remained relatively constant through the life of that individual, generally the same week each year. No noticeable shift in the shedding dates has been recorded as the deer matured or in relationship to annual weather conditions.

The January season for antlerless deer does not appear to pose a threat to the future quality standards of white-tailed bucks. This component of the population is not harvested at a high prevalence during that period.

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## Deer Hunter Concerns

Resident deer hunters have recently expressed concerns about the future of deer hunting in Kansas. These concerns are based on the perceived over harvest of whitetail and mule deer in certain areas of the state.

To significantly reduce the white-tailed deer population in the state, the department dramatically increased the number of antlerless white-tailed deer permits and established an extended firearms season, during which all unfilled permits revert to whitetail antlerless-only. This strategy has been effective in many areas of the state because hunters have willingly harvested numerous female deer each season.

In order to maintain a quality white-tailed deer herd structure as harvest numbers increase, the department has, and will continue to, manipulate the number of permits and antlerless-only game tags that are authorized for each of the 18 deer management units. Input from farmers and ranchers, hunters, nonhunters, department surveys, and deer/vehicle accident data are all essential, and are utilized to determine season dates and permit numbers.

Mule deer permits are handled differently. Landowners get first choice in that they may purchase a guaranteed "any deer" permit over the counter at a reduced price, but the rest of the mule deer permits, both "any deer" and "antlerless only", are strictly allocated through a lottery draw system. We will continue to collect data from the aforementioned sources to formulate these permit totals in the future as well.

While the department can control the number and type of deer permits issued, access is the key factor in the managing deer numbers. Deer often react to hunting pressure by seeking refuge in areas where pressure is minimal, or absent. When this occurs, it is often the expectation of the hunter that is deflated, not the resource itself.

The department encourages all stakeholders to present their comments and questions on deer management and all natural resource issues. The Kansas Wildlife and Parks Commission will vote on department recommended deer season dates, bag limits, and permits on March 14, 2002, in Norton.

## Quail and Pheasant Declines in Kansas

Kansas quail and pheasant populations have slowly declined for the last 30 years. While this has become a matter of concern to both our agency and many of our constituents, Kansas is not unique. These patterns have been common within the range of quail and pheasants throughout the U.S. Although no single cause exists, biologists have identified contributing factors to these declines, and in Kansas as in many other states, we are working to reestablish these upland bird populations.

Our rural landscape has also changed dramatically over the last 30 years. As new crop varieties and advances in laborsaving equipment have been developed, farming operations have become cleaner and less diversified. Intense grazing programs, annual burning and conversion of native grass to fescue and brome grass have made grasslands less quail friendly. In addition, the number of individual farms has decreased and the size of farming operations has increased. When farms were small and more diversified, there were more fences to divide ownerships and keep livestock out of crops. Every landowner's approach to farming was a little different and crop rotation assured that a variety of land uses could be found within a relatively small area. Removal of fences to consolidate farm ownership and facilitate movement of machinery has simplified the landscape and reduced the amount of "edge" habitat so important to wildlife. Remaining areas of suitable quail and pheasant habitat have become isolated patches, reducing the ability of birds to disperse from areas of abundance into areas of lower abundance. Without this ability, bird loss in some areas cannot be recouped by dispersal of birds from adjoining areas of higher abundance.

Other landscape trends that have influenced upland bird populations include transformation of shrublands into mature forests. Brushy shrublands provide escape cover, and in conjunction with food, nesting, and brood rearing cover, are essential for quail. The shift to forest habitat has benefitted turkeys, whose numbers have increased dramatically. In addition, urban sprawl is steadily consuming upland bird habitat.

Reversing the decline in quail and pheasant populations will require developing suitable habitat over large areas throughout the state. One theory -- referred to as the "rule of 5,000" -- recommends a minimum of 5,000 contiguous acres of suitable habitat to maintain a quail population. Although this has not been solidly demonstrated for quail, it is plausible and a similar "rule" might also be necessary for pheasants.

The Southeast Kansas Quail Working Group (SEK-QWG) is a partnership established to improve quail habitat. It is comprised of representatives of Kansas Farm Bureau, See-Kan RC&D, Natural Resource Conservation Service, Pittsburg State University, Kansas State Extension Service, Quail Unlimited, private landowners, and the Kansas Department of Wildlife and Parks. This working group has established incentive-based programs for habitat improvements that include replacing fescue and brome grass with native grass, hedgerow renovation, strip discing, livestock exclusion from borders and odd areas, better livestock management, plus many other practices.

The Western Kansas Pheasant Initiative is working with landowners to develop farming practices that are wildlife friendly and profitable. These practices, as well as Farm Program options that benefit pheasants and include monetary incentives for landowners, are promoted to landowners in areas of state with traditionally strong pheasant populations.

## **Kansas Buffer Partnership for Clean Water**

Buffers refer to grassed terraces, grassed waterways, filter strips, riparian buffers strips and windbreaks, and similar features. They provide many environmental benefits including erosion control, improved water quality and wildlife habitat. Buffers are common sense conservation for producers. They offer a voluntary, incentive-based opportunity to achieve conservation and environmental goals on working agriculture lands. Buffers retire only small portions of land, but create great environmental benefits. Most buffers are eligible for enrollment in the continuous CRP signup, which often present better profitability than farming these marginal areas. Pheasant and quail populations have been trending downward for some time due to subtle habitat changes resulting mainly from increased agriculture intensity. These strip habitats can help improve upland game bird populations, as well as supporting habitat for other ground-nesting birds.

In spite of these obvious benefits from buffers, they have not been widely used in Kansas, especially compared to other states such as Iowa which has enrolled nearly 10 times more buffer acreage. The first attempt to increase buffer enrollment in Kansas was the Governor's Buffer Initiative, which gave producers in target watersheds an increase in annual rental payment in addition to that received from CRP. The State Conservation Commission ("SCC") has coordinated this program. More recently, KDWP has proposed the Kansas Buffer Partnership for Clean Water, patterned after a similar program in Iowa. This program provides grants to County Conservation Districts to hire temporary employees who will assist with buffer programs. These employees will identify land where buffers are needed, contact producers to encourage enrollment and assist USDA staff to get the buffers on the ground.

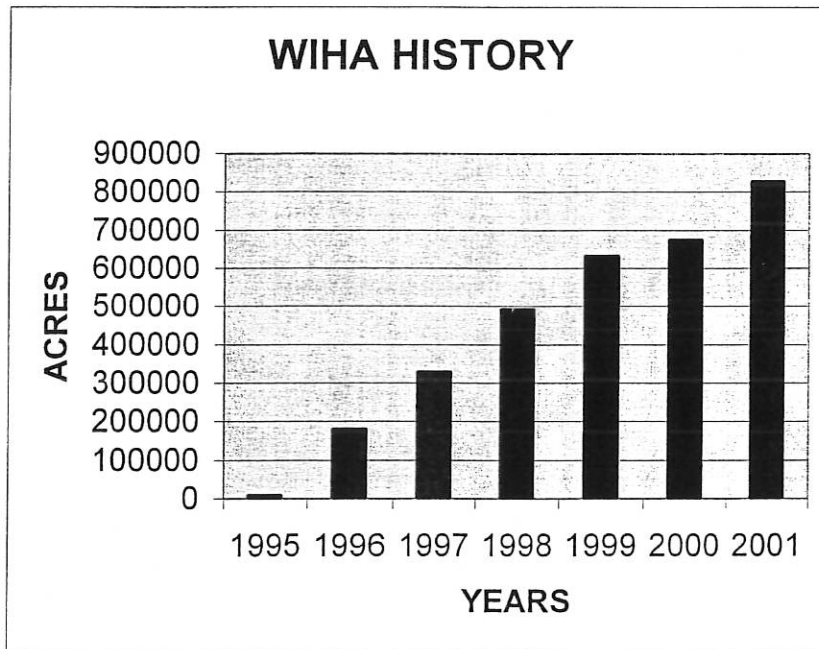
The program began in October of 2001 when 26 counties were awarded grants of \$10,000. These counties were chosen from among 36 county applicants, using an environmental ranking system. Employees were hired and trained in October. The first quarterly report on program's success is being prepared.

Nearly all of the funding for this program came from wildlife interests. KDWP provided \$150,000 and lesser amounts were provided by the US Fish and Wildlife Service, the National Wild Turkey Federation, and Pheasants Forever. A National Fisheries and Wildlife Foundation Grant (\$50,000) was also used. KDWP, SCC and NRCS (USDA) are the active partners, with SCC providing overall program coordination and issuing the grants to the Conservation Districts. NRCS and the Conservation Districts jointly provide employee supervision, vehicles, office space and supplies. Other state and federal conservation agencies involved with program planning and development include KDHE, the Kansas Water Office, the Kansas Forest Service, KSU, and FSA (USDA).

The program aims to double buffer acreage in Kansas to a total of 50,000+ acres by October of 2002. The program will continue at least one more year, with a goal to double buffer acres again. Success will be monitored by quarterly reports from participating Conservation Districts. If necessary funding can be found, the program will award grants to additional counties. The major expenses for the program consist of the CRP land rental payments and cover establishment, which are paid by USDA.

## Walk-In Hunting Areas (WIHA)

The Walk-In Hunting Area program, or WIHA, allows private landowners to voluntarily lease property to KDWP for public hunting. The lease terms and payment rates may vary depending on habitat, species availability, and location. The WIHA program was initiated as a pilot project in 1995 in an area around Wichita where 46 landowners signed up 10,345 acres. It was expanded statewide in 1996, and long term goal is to enroll one million acres for 2003. The chart below shows the history of WIHA growth since the project was started.



Resident hunting license sales in Kansas have remained fairly steady over the past five years, despite nationwide trends of decreasing license sales, and non-resident hunting license sales have continued to increase. The WIHA program, by providing additional public hunting opportunities, can be partially credited for these strong numbers. The program receives especially high praise from the 50,000-plus non-residents who come to Kansas.

### 2001 FALL WIHA FACTS

- 1,801 contracts for 833,648 total acres.
- \$1,031,377.50 spent for leasing land, at \$1.24 / acre statewide average payment.
- Total program cost is about \$2.00 per acre per year.
- 1,931 Kansas landowners received payments, averaging \$534.12 per payment.
- Properties were leased in 99 counties.

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Since establishment of the WIHA program for fall hunting, KDWP has begun two additional programs involving private leases for public outdoor recreation: Spring WIHA leases to promote spring turkey hunting, and leases of private water bodies and stream stretches for public fishing opportunities.

### SPRING TURKEY WIHA

- Pilot project started in 2001 in eastern Kansas.
- 40,000 acres in 31 Counties were leased in 2001.
- Expanded the program to statewide in 2002.
- 85,000 acres in 53 Counties are leased for the upcoming turkey season.

### F.I.S.H. (Fishing Impoundments and Stream Habitats)

- First introduced in 1998.
- Payment rates of \$40/acre for impoundments and \$500-\$1000/mile for streams.
- Areas are open to fishing from March 1 through October 31.
- The program has grown to over 1500 acres of impounded water and almost 75 miles of streams leased in 2001.
- 2002 signup will not conclude until January 25, 2002 so final results for this year are not available.

