

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Senator Robert Tyson at 8:32 a.m. on January 30, 2003 in Room 423-S of the Capitol.

Members present: Senator Tyson, Senator Taddiken, Senator Lee, Senator Corbin, Senator Downey, Senator Huelskamp, Senator Schmidt, Senator Umbarger

Committee staff present: Raney Gilliland, Legislative Research
Lisa Montgomery, Revisor of Statutes
Shannon Stone, Secretary

Conferees appearing before the committee:

Judy Moler, Kansas Association of Counties
J. Michael Hayden, Secretary of the Department of Wildlife and Parks
Dick Koerth, Assistant Secretary of Administration, KDWP

Others attending: See attached guest list.

Upon calling the meeting to order, Chairman Tyson introduced himself and welcomed guests and conferees to the Committee Meeting.

Bills Introductions

Judy Moler, (Kansas Assoc. Of Counties) requested introduction of a bill to extend the state's authority to continue work on waste tire clean up. Senator Taddiken made a motion to introduce the bill, Senator Umbarger seconded the motion and the motion carried.

Senator Huelskamp requested a bill that would limit regulation of small livestock markets. Senator Huelskamp made the motion to introduce the bill, Senator Schmidt seconded the motion and the motion carried.

Senator Huelskamp requested a bill that would bring the Kansas Animal and Health Board up-to-date through the inclusion of various organizational representatives. Senator Huelskamp made the motion to introduce the bill, Senator Taddiken seconded the motion and the motion carried.

Testimony

The Chair welcomed Secretary of Wildlife and Parks, Mike Hayden.

State Park Funding

Mr. Hayden gave a brief overview of activities at the Kansas Department of Wildlife and Parks before introducing Dick Koerth, Assistant Secretary of Administration at KDWP. Mr. Koerth explained the responsibilities of the Department and reviewed state park issues related to funding. (Attachment 1) The state park budget is experiencing over \$1 million in cuts. The Department has been forced to cut back on temporary and seasonal help and has had to shut down a few campgrounds and portions of parks. State support has dropped from 36% to 22%. Conversely, park usage has risen dramatically. In an effort to raise much needed funds, KDWP has raised park fees annually for the last two years. Additionally, KDWP is requesting the elimination of the ½ price senior citizen vehicle permit (**HB 2054**). KDWP estimates increased revenues of \$80,000 from the elimination of the ½ price senior vehicle permits.

KDWP also relies heavily on inmate labor to keep up grounds in a number of parks. Senator Schmidt requested KDWP's views on expanding the number of minimum security beds to help alleviate labor costs at the Department. Secretary Hayden responded that KDWP could definitely use more minimum

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:32 a.m. on January 30, 2003 in Room 423-S of the Capitol.

security inmate labor if it was made available.

Status of Wildlife Game Populations

The Lesser Prairie Chicken

Distinguished from the greater prairie chicken by size and regional habitat, this obscure bird occupies the sand sage areas of southwest and south central Kansas. While the bird's current status is "candidate in listing" for the federal "Threatened Species List", researchers note an increase in the number of lessers in Kansas. The Conservation Reserve Program (CRP) is believed to have had a favorable impact on the lesser. CRP grounds provide the birds grasslands for roosting and possibly nesting. (Attachment 2)

Quail

The quail population in Kansas has steadily declined at alarming rates since 1987 and is now at a 50 year low. Researchers see long term population trends as discouraging. Mr. Hayden attributed much of the bird's decline to the landscape change, genetic isolation and the use of herbicides and pesticides.

Deer

KDWP has recently charted a work group to develop recommendations that will guide future deer management policies. (Attachments 3 and 4) Among the recommendations from this focus group are:

1. The issuance of transferable landowner/non resident permits
2. Development of deer management goals and objectives
3. Leasing hunting rights on private land
4. Development of incentives for resident deer hunting opportunities
5. Adjustment of nonresident deer permit prices
6. Regular monitoring of deer herd health
7. Development of a permit pricing structure
8. Issuance of damage control permits
9. Changing minimum acreage requirements
10. Changes in current guide/outfitter standards

Discussion over transferable permits, and rising/diminishing deer populations followed.

Approval of Minutes/Adjournment

Minutes from January 23 and 24 were reviewed and approved.

The meeting was adjourned at 9:30a.m.

SENATE NATURAL RESOURCES COMMITTEE

GUEST LIST

DATE: Jan 30, 2003

NAME	REPRESENTING
Margaret Fast	Ks Water Office
Shawn Herrick	Mid America Tire DA
Tom Bruno	GBBA
Dana Hoffman	Ks Assn of Wheat Growers
Jeffrey Hultzel	Ks Sierra Club
Ann Durkes	DOB
Mary Jane Stettelman	KGFA / KARA
Tommy Beale	The Farmers Union
Carole Jordan	KDA
Dick Gweth	KDWP
Mike Hayden	KDWP
Chris Tymeson	KDWP
Todd Johnson	KLA
Mike Beam	Ks. LUSTK. Assn.
Steve Swaffer	Ks Farm Bureau
Blake Korns	(Tobacco) Derek Schmidt
Bill Bider	KDHE
Judy Moler	KAC



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



TO: Senator Robert Tyson, Chairperson
Senate Committee on Natural Resources

FROM: J. Michael Hayden, Secretary of Wildlife and Parks *JMH*

SUBJECT: State Park Issues Related to Funding

DATE: January 30, 2003

The Kansas Department of Wildlife and Parks (KDWP) is the state agency responsible for the operation of the state parks system. The Parks Division of the KDWP operates 24 state parks and one rail trail. The FY 2004 Governor's Budget Report provides for total expenditures of \$8,143,345 for FY 2003 and \$8,308,310 for FY 2004. The FY 2003 budget has been reduced by \$160,041 in State General Fund expenditure authority from the amounts approved by the 2002 Session of the Legislature. For FY 2004, the Governor's recommendations increase the amount of financing from the Park Fee Fund. An amount of \$170,008 included in the agency request from the State General Fund was shifted to the Park Fee Fund.

Attached to this memo are two tables indicating the amount of State General Fund (SGF) utilized by the KDWP and the Parks Division. The first table indicates that the amount of SGF received by the Department has been steadily decreasing since FY 2001. The second table displays the funding sources for the operations of the Parks Division, not including federal funds for the AMERICORP program. The amount of SGF support has decreased significantly since FY 1994 with a reduction of \$526,532 occurring between FY 2002 and FY 2003. To compensate for the loss of SGF funding support to operate the State Parks, the KDWP has increased park fees twice in the last three years. The fees were increased effective January 1, 2001 and January 1, 2003. These increases have allowed the KDWP to maintain the existing state park system at this time.

The KDWP has requested the elimination of the ½ price senior citizen vehicle permit. The 2000 Session of the Legislature provided for seniors to pay ½ of the price for vehicles which until that time had been free. House Bill No. 2054 eliminates the ½ price senior citizen vehicle permit and requires that anyone would pay the full price for such permit. The bill becomes effective on July 1, 2003 and the KDWP estimates additional revenue of approximately \$80,000 would occur from the elimination of the ½ senior citizen vehicle permit.

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Attached is a table estimating the additional revenue which would occur from the passage of House Bill No. 2054. It should be noted that the implementation of the ½ price senior citizen vehicle permit on January 1, 2001 resulted in a decrease of 54% to the number of such permits issued by the Department. The KDWP is estimating that the total elimination of the ½ price senior citizen vehicle permit will further decrease sales by an additional 30 percent.

Thank you for the opportunity to discuss this issue with Committee. If you or any members of the Committee have any questions, please advise.

State General Fund - Operating Expenditures (Does not include capital improvements)

	FY 2001	FY 2002	Approved FY 2003	GBR FY 2003	Request FY 2004	GBR FY 2004
Total - KDWP	\$ 3,545,971	\$ 4,245,011	\$ 3,285,963	\$ 3,190,794	\$ 3,340,819	\$ 3,159,583
Percent of Total Operations	10.2%	11.1%	9.2%	8.6%	9.5%	8.6%
Total - Parks Division	\$ 2,489,596	\$ 2,255,182	\$ 1,828,691	\$ 1,728,650	\$ 1,884,460	\$ 1,714,452
Percent of Park Operations	36.2%	25.8%	24.0%	23.0%	24.4%	22.2%

x/SGF percentages for KDWP FY 2004

*Increase in fees just
maintain operations*

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PERCENT OF PARKS DIVISION STATE OPERATIONS EXPENDITURES FROM FUNDING SOURCE

1/17/2003

INDICATED BY FISCAL YEAR (Does not include expenditures for Aid, AMERICORP, or Capital Improvements) (Amounts in \$)

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	Actual FY 02	GBR FY 03	GBR FY 04
Parks Division Operating (Total)	5,365,613	5,616,082	5,659,211	6,087,691	6,265,951	6,784,882	6,905,281	6,882,367	7,139,252	7,508,940	7,733,746
State General Fund	2,826,146	3,391,785	3,213,742	2,745,417	2,693,077	3,016,657	2,604,713	2,489,596	2,255,182	1,728,650	1,714,452
Percent of Total	52.7%	60.4%	56.8%	45.1%	43.0%	44.5%	37.7%	36.2%	31.6%	23.0%	22.2%
Park Fee Fund	2,539,072	2,206,583	2,384,991	3,218,105	3,447,281	3,624,392	4,197,774	4,307,399	4,766,027	5,583,423	5,873,762
Percent of Total	47.3%	39.3%	42.1%	52.9%	55.0%	53.4%	60.8%	62.6%	66.8%	74.4%	75.9%
Other Funds	395	17,714	60,478	124,169	125,593	143,833	102,794	85,372	118,043	196,867	145,532
Percent of Total	0	0.3%	1.1%	2.0%	2.0%	2.1%	1.5%	1.2%	1.7%	2.6%	1.9%

Kansas Department of Wildlife and Parks

	Fully exempt	½ price fee	Full price	Price of Permit	Total
2000 Annual Vehicle Permit	27,363	NA	NA		
2001 Annual Vehicle Permit	NA	9,986	NA	\$15	\$149,790
2001 Second Vehicle Permit	NA	4,797	NA	\$10	\$47,970
				Subtotal	\$197,760
2004 Annual Vehicle Permit (Projected at 30% attrition)	NA	NA	6,990	\$30	\$209,700
2004 Second Vehicle Permit (Projected at 30% attrition)	NA	NA	3,358	\$20	\$67,170
				Subtotal	\$276,870
					\$276,870
					(\$197,760)
					\$79,110
					Estimated fiscal impact in 2004

Lesser Prairie Chicken Status Report

Lesser prairie chickens are a subspecies of prairie grouse closely related to the greater prairie chicken. Lessers look much like greater, although they are somewhat smaller and inhabit the mid- and shortgrass prairie in the southwest region of Kansas. Greater prairie chickens are most common in the tallgrass prairie of the Flint Hills region of Kansas.

The biggest threat lesser prairie chickens face is loss of native grassland. Like their greater cousins, lessers require large tracts of grassland to flourish. Much of the original prairie in this region of Kansas has been converted to cropland. However, relatively stable populations of lessers were maintained on the remaining prairie until 1990, when numbers dropped sharply. Lesser prairie chicken populations remained low through 1997.

Recently, though, prairie chickens numbers have increased. Although numbers are still below the long-term averages, lesser prairie chicken numbers have increased each of the last three years. Data is taken from 10 traditional survey routes established south of the Arkansas River and doesn't take into account the recent expansion of lesser prairie chickens to the north. Spring surveys in 1999 and 2000 documented 101 lesser prairie chicken leks, or breeding/dancing grounds, north of the Arkansas River. This range determination effort is only about 40 percent complete, making it possible that the number of leks north of the Arkansas River will at least double when the survey is complete. Lessers have been found as far northeast as southwestern Ellis County and as far northwest as northeastern Wallace County along the rangelands of the Smoky Hill River drainage.

Lesser prairie chickens are clearly taking advantage of new grassland habitat provided by the Conservation Reserve Program (CRP). In most cases, lessers appear to be using CRP grasslands that are in close proximity to native range. The native range is being used for lek sites and probably for most foraging, while the CRP is mostly likely being used for roosting and possibly nesting.

First petitioned for listing as a federally threatened species in 1995, the discovery that western Kansas CRP has fostered an increase in lesser prairie chicken numbers provides encouragement that additional gains may be made through improved CRP management practices. The department has continued to improve lesser prairie chicken research and monitoring efforts, and this coupled with recent population and range increases are the primary reasons the U.S. Fish and Wildlife Service has not added lesser prairie chickens to the federal Threatened List. The lesser prairie chicken is in "candidate for listing" status, and the U.S. Fish and Wildlife Service finding is "warranted but precluded" from listing at this time.

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UPLAND GAME BIRD HABITAT RESTORATION EFFORTS

Upland game birds -- the ring-necked pheasant, bobwhite quail and prairie chicken -- are important to the economy of rural Kansas. Each fall, these popular game birds draw tens of thousands of hunters to small towns and communities across the state, and these hunters will spend more than \$120 million on goods and services. It's more than just economics, though. Upland bird hunting is a treasured heritage and valued tradition in Kansas, and these birds are important to the quality of life for many of our residents.

Unfortunately, populations of all three species have been low in recent years. While it's normal for numbers to fluctuate from year to year in response to winter and spring weather and habitat conditions, the overall trend has been alarmingly downward for the last 15 years. Kansans are rightfully asking why, and wondering what is being done to stop the decline.

The why can be answered simply: Habitat. Bird numbers are declining in response to changes in our landscape. In some parts of the state, communities are sprawling into the rural areas, and the countryside is being fragmented by development. In other areas of the state, thin profit margins have driven agriculture producers to become increasingly intensive.

So how do these changes affect quail, prairie chickens, and pheasants? Healthy bird populations require large, contiguous tracts of suitable habitat, allowing populations to mix and disperse from areas of abundance to areas of low numbers. Small fragmented pockets of good habitat surrounded by poor habitat won't do. Native grasses are important, as are broadleaf plants, or weeds. Brushy vegetation is important winter and escape cover for quail, and both pheasants and quail benefit from "edge." Edge is where two habitat types meet, such as where rangeland meets a wooded creek bottom, or where a weedy field meets a brushy hedgerow.

Large scale rural landscape changes occur subtly, and we may not notice them. As new crop varieties and advances in labor-saving equipment have been developed, farming operations have become cleaner and less diversified. Conversion of native grass to fescue and brome grass have made grasslands less hospitable to quail and prairie chickens. 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 ownership, 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, leaving fragments of good habitat isolated.

Another important land change in eastern Kansas that has affected quail is the 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. As those shrublands are allowed to convert to forests, they become better deer and turkey habitat.

In the tallgrass prairie, intense grazing practices which require comprehensive, annual burning have severely impacted greater prairie chickens. While some burning is necessary for a healthy grassland, the current practices can leave little or no nesting and brood-rearing cover.

Pheasants depend on agriculture and thrive in areas where there is a mixture of permanent cover

and cropped lands. However, changes in wheat farming have contributed to the downward trend in pheasant numbers. Pheasants nest in winter wheat, and the weedy stubble, commonly left idle in farming practices just 20 years ago, was ideal brood-rearing cover. Today, less wheat ground is left fallow, or idle, and if stubble is left, it is often undercut or sprayed to prevent weed growth. Without the cover of weeds such as sunflowers and kochia and the insects attracted by these weeds, pheasant chick survival is much lower.

The Conservation Reserve Program, which pays farmers to take land out of production and plant it to native grass, has benefitted birds, especially pheasants and prairie chickens. In fact, prairie chickens have actually expanded their range in west-central and northcentral Kansas due to CRP. And CRP is good winter cover for pheasants, but it could be much better bird habitat with some routine management, such as burning, strip discing, and interseeding of legumes.

So what are we doing about these declines? The Kansas Department of Wildlife and Parks has been working on solutions to these problems since the early 1990s. The department has conducted, sponsored, or participated in a variety of research projects designed to identify limiting factors in upland bird populations. Addressing these limiting factors, though, is complicated. Solutions must impact large areas of land in Kansas, most of which is privately owned and involved in agriculture production. Changes in agricultural practices that will benefit game birds must be both profitable and practical.

The Pheasant Initiative is a program designed to identify just those types of practices. This program has sponsored research projects, cost-share programs for landowners wanting to enhance pheasant habitat on their land, and demonstration farms to showcase beneficial practices. Many Pheasant Initiative efforts are also tied to the federal Farm Bill. Wildlife-friendly practices included in the Farm Bill are important because they can potentially impact large areas of land, while enhancing an operator's profitability. Department staff work closely with U.S. Department of Agriculture offices and landowners statewide to promote wildlife beneficial programs offered by the Farm Bill.

The Playa Lakes Project is a program that pays western Kansas landowners to develop wildlife habitat. Playa lakes are natural depressions that hold water during wet times, making them difficult to farm. The Project leases playas from landowners, who take them out of production. A native grass and forb buffer is established around the playas so that during dry years they provide upland bird habitat. During wet years they provide habitat for waterfowl.

The department has sponsored several lesser prairie chicken research projects and is a partner in the Comanche Pool which promotes range management practices that benefit prairie chickens and quail in the southwest. Through the Buffer Partnership, department staff work with local Natural Resource and Conservation Service and Conservation District offices to promote the use of grass buffer strips. Native grass buffer strips provide landowners with a profitable way to reduce soil erosion and provide pheasant and quail habitat.

The tallgrass prairie of the Flint Hills region of Kansas is home to the world's largest populations of greater prairie chickens. The department participates in the Tallgrass Legacy Alliance, which is a U.S. Fish and Wildlife Service Partners Program. The Alliance promotes voluntary tallgrass range management practices that fiscally support the ranching culture while also protecting the integrity of the ecosystem. The department also promotes research that will help Flint Hills ranchers set up a rotational grazing and burning program that will be more profitable and benefit prairie chickens.

The Southeast Kansas Quail Working Group and Southeast Kansas Quail Initiative brings

together diverse organizations, agencies and private landowners to provide an incentive program that will reward landowners for enhancing quail habitat on their land. Demonstration areas have been established to monitor how quail respond to land use practices and allow landowners to view the methods.

Department biologists continue to work with private landowners through the Wildlife Habitat Improvement Program (WHIP). Through WHIP, wildlife biologists provide technical assistance to landowners wishing to develop wildlife habitat on their land. Those who enroll land in the Walk-in Hunting Area Program may receive bonus payments for enhancing habitat on their land.

Through all of these programs, the department has worked with a varied array of organizations and agencies, forming partnerships and alliances designed to not only benefit wildlife but agricultural producers as well. Sportsmen's groups such as Pheasants Forever, Quail Unlimited, the National Wild Turkey Federation, Ducks Unlimited and others have provided valuable financial assistance and manpower for many of these projects.

The bottom line is that there is no silver bullet that will magically improve upland bird populations. Problems have been identified and solutions are being developed. Improvements will require dedicated effort from all of the partners as well as private landowners.

Status of Quail in Kansas

What happened to our quail? It's a common question, especially in eastern Kansas, where quail are the number one game bird. It's common knowledge that quail numbers fluctuate widely from one year to the next, depending on winter and spring weather and habitat conditions. Highs and lows on a graph of quail populations are expected. However, since 1987, the overall trend for quail numbers in Kansas has been alarmingly downward. In fact, 2001 brought record low numbers of quail throughout Kansas.

Kansas wildlife biologists began searching for reasons for the decline long before 2001. They didn't have to look far for answers. Quail numbers plummeted throughout the species' normal range in the southeast U.S. before there was a hint of a problem in Kansas. Kansas quail populations are declining for many of the same reasons those in Alabama or Georgia declined 20 years ago.

The landscape in much of Kansas' top quail regions has changed. Kansas communities are sprawling into the rural areas, and much of countryside is being fragmented with subdivisions and small hobby farms. Profit margins in agriculture have become so thin that farming practices have become increasingly intense.

So how do these changes affect quail? First, let's look at habitat factors quail require. Healthy quail populations require large, contiguous tracts of suitable habitat -- up to 5,000 acres -- allowing coveys to mix and disperse from areas of abundance to areas of low numbers. Small fragmented pockets of good habitat surrounded by poor habitat won't do. Native grasses are important, as are broadleaf plants, or weeds. Brushy vegetation can be important winter and escape cover, and quail need "edge." Edge is where two habitat types meet, such as where rangeland meets a wooded creek bottom, or where a weedy field meets a brushy hedgerow.

Consider how the Kansas landscape has changed. While urban sprawl is painfully obvious, large scale rural landscape changes occur subtly and we often don't notice them. As new crop varieties and advances in labor-saving 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 ownership, 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, leaving fragments of good habitat isolated.

Another important land change in eastern Kansas is the transformation of shrublands to mature forests. Brushy shrublands provide escape cover, and in conjunction with food, nesting, and brood-rearing cover, are essential for quail. As those shrublands are allowed to convert to forests, they become better

deer and turkey habitat.

Reversing the decline in quail populations will require developing suitable habitat over large areas of the state. The Southeast Kansas Quail Working Group (SEK-QWG) is a partnership established to do just that. Comprising of representatives from Kansas Farm Bureau, See-Kan RC&D, the Natural Resource Conservation Service, Pittsburg State University, Kansas State Extension Service, Quail Unlimited, private landowners, and the Kansas Department of Wildlife and Parks, the group has established incentive-based programs for habitat improvements on private land. Payments are available for landowners in Allen, Bourbon, Neosho and Crawford counties for practices that include replacing fescue and brome grass with native grass, hedgerow renovation, strip discing, livestock exclusion from borders and odd areas, and better livestock management.

In addition, two 25-square-mile demonstration areas have been established. Within these areas, biologists will monitor quail response to habitat practices and determine which have the most impact. Visiting landowners will be able to see what the changes look like and how they affect operations.

Department staff statewide are also working closely with agriculture agencies and landowners to encourage incorporation of wildlife-friendly aspects of the new federal Farm Bill. The Farm Bill holds promise because it can affect large areas of the landscape and improve profitability of farm operations.

Enhancing wildlife habitat on grasslands enrolled in the Conservation Reserve Program is also a concern. The CRP Wildlife Habitat Upgrade program is offering incentives to landowners in Reno, Harvey, Kingman, and Harper counties who enhance the wildlife value of their CRP. Additional bonuses are available to landowners who also have the land enrolled in the Walk-in Hunting Area program. Landowners can receive payments for practices such as strip discing, interseeding legumes, and planting food plots into existing CRP.

We have seen how resilient quail populations can be when the weather conditions are favorable. Many areas of Kansas saw encouraging increases in quail numbers this past year. However, to reverse the long-term downward trend in quail populations, we will have to change the landscape. It will take time, partnerships, and cooperation among diverse groups, but it can be done.

FINAL REPORT
KANSAS DEER MANAGEMENT WORK GROUP

Prepared by:
Spencer Amend
Dynamic Solutions Group LLC
Rocky Mountain Regional Office
1466 North Buck Creek Road
Casper, WY 82604-1855
307-262-1420
email: spencer.a@attbi.com

BACKGROUND AND APPROACH

The Kansas deer resource and its management have long attracted a great deal of attention from many different constituent groups. This attention seems to have escalated in recent years due in part to the economics of non-resident hunters attracted to the high quality deer resource and to the advent of transferable permits. The Kansas Department of Wildlife and Parks (KDWP) chose to seize the opportunities provided by this increased interest and chartered a work group to develop recommendations that will guide future deer management. Specifically, work group members were charged with a task "...to develop recommendations to the Kansas Department of Wildlife and Parks to maintain responsible deer management policies through legislative and management proposals that will govern the future of deer hunting in Kansas." The Department hired an experienced planning consultant/facilitator to help define and manage the process in an objective, unbiased fashion.

Steps in the overall process included: (1) create the work group, (2) design the project, (3) public scoping, (4) work group develop recommendations, and (5) lessons learned.

Public Scoping. Slightly fewer than 200 Kansas citizens attended one of the five scoping meetings during the first week of August 2002. Meeting locations were Topeka, Independence, Salina, Garden City, and Colby. All meetings were run according to essentially the same format. After an opening statement by the facilitator, either Mike Hayden or Keith Sexson gave an opening statement explaining the purpose of the work group and public meetings and welcoming people to the meeting. The facilitator then structured the meeting to obtain (1) ranking of the 10 issue areas assigned by KDWP to the work group, (2) the identification of additional issues and concerns, and (3) answers or suggestions for dealing with deer management issues. The summarized public input was available to the work group as they began their deliberations.

Work Group Meetings. The organizational, first work group meeting was August 1, 2002, in Topeka. All other meetings were held in Salina: September 4, September 25, October 22-23, and November 13. These facilitated meetings were operated with a set of ground rules that included making decisions by consensus [where the definition of

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consensus was: "Everyone can live with the decision; although members might not be entirely supportive of the decision, or think it to be the best alternative, they will not oppose it."]. In this spirit of seeking workable solutions, most, if not all, work group members were observed occasionally accepting recommendations/decisions that compromised some of their previous positions. An important benefit of this approach was that the interactions and communications between these people representing various special interest groups resulted in increased understanding and strengthened bonds between them. It is expected that this experience may help defuse conflicts, confrontation and controversy in the future.

WORK GROUP MEMBERS

Jim Aller	Kansas Outfitters Association
*Mike Beam	Kansas Livestock Association
*Karen Beard	KDWP
*Will Carpenter	Wildlife & Parks Commission
Brad Dieckmann	Kansas Meat Processors Association
Richard Ford	Kansas Rifle Association
Bob Funke	KDWP
Sam Graham	Kansas Animal Health Department
*Dan Haines	Kansas Chapter The Wildlife Society
Lee Hawes	Kansas Guides & Outfitters
Gary Hayzlett	Representative
*Kent Hensley	KDWP
*Alan Hynek	Fort Riley Wildlife Program
*Charles Lee	Kansas State University Extension Unit
Todd Lewis	Kansas Sport Hunting Association
*Brad Odle	KDWP
*Ralph Renfro	Kansas Bowhunters Association
Steve Sorensen	Kansas Wildlife Federation
*Steve Swaffar	Kansas Farm Bureau
Mark Taddiken	Senator
*Dave Tasset	Kansas Muzzleloaders Association
*denotes members who attended all work group meetings	

WORK GROUP RECOMMENDATIONS

Recommendations are organized by issue area assigned by Kansas Department of Wildlife and Parks (KDWP) in its charge to the Work Group. Issue areas are presented in descending order of Work Group interest/priority. Recommendation numbers are for tracking purposes only, and do not indicate priority. Following each recommendation is a concise statement of clarification/rationale supporting that recommendation.

Following the consensus recommendations within each issue area are lists of additional recommendations that were discussed and evaluated by the Work Group without achieving consensus.

Issue Area 1: Transferable Landowner/Nonresident Permits

1. The KDWP should implement a preference point draw system for transferable landowner/nonresident permits.

Clarification/Rationale: This recommendation is aimed at the problem of landowners, guides & outfitters not being able to predictably obtain transferable permits.

2. KDWP, the Wildlife and Parks Commission and the Kansas Legislature should ensure that landowners receive benefits from the transferable permit program.

Clarification/Rationale: This recommendation is aimed at the problems of scalping and of not meeting the original intent of the program.

3. Hunting with a transferable permit shall only be legal on land(s) controlled by the applicant.

Clarification/Rationale: This recommendation is aimed at a number of problems, most significant being "scalping", area permit useful on, and receiving a permit with no habitat.

4. In figuring nonresident permit allocation, KDWP shall add hunt-own-land (HOL) permit sales to general residents, according to the following formula: 75% to firearms and 25% to archery.

Clarification/Rationale: This issue is about a reallocation by deer management unit (DMU). HOL permits sold to residents would be estimated for each DMU and 75% of the number sold the year before would be added to the number of white-tailed either sex (WTES) permits, then 10% of that value would be the allocation for nonresident WTES the next year. Nonresident archery would be 15% of the total of 25% of the HOL permits and 100% of the resident statewide archery. For example, using 2001 HOL numbers, this change would have resulted in 995 firearms permits (allocated by unit) and 331 statewide archery permits. This recommendation is aimed at the problems of not providing enough revenue from the program and allowing additional nonresident opportunities.

Discussed without reaching consensus:

- Do away with transferable permits; return to across-the-board draw
- Require transferable permit holder to be farmer/rancher
- Make archery permit unit specific
- Enable larger landowners to obtain more than one permit
- Increase the size of the pool of transferable permits
- Tie transferee (final recipient) by name to the permit being applied for
- Eliminate the "middle man" to discourage scalping
- Check deer before they are taken from the state
- Make nonresident landowners eligible
- Require permits to be valid on land controlled by guiding operations
- Require landowners to have deer habitat to qualify
- Allow hunt-own-land permits to be transferable to anyone
- Preference points for deer habitat development

- Landowner meeting minimum acreage requirements to be guaranteed a permit
- Eliminate HOL permits – increase number of whitetail general resident permits [to increase nonresident numbers]

Issue Area 2: Deer Management Goals and Objectives

5. KDWP shall have separate management strategies for mule deer and whitetails, including separate permitting systems.

Clarification/Rationale: This recommendation is aimed at the problem that needs and management issues for whitetails and mule deer are different.

6. KDWP should include depredation program brochures with landowner/HOL permit applications & mailed HOL permits.

Clarification/Rationale: This recommendation is aimed at the problems of providing education about deer management issues and opportunities, and creating awareness of deer depredation program.

7. KDWP should provide information to hunters, and others, about chronic wasting disease (CWD).

Clarification/Rationale: This recommendation is aimed at the problem of fear and misunderstanding of risks associated with CWD.

8. KDWP should create urban deer hunting opportunities.

Clarification/Rationale: This recommendation is aimed at the problems of deer management not including urban control mechanisms, increasing urban populations, and the impact of development on habitat loss.

9. Whatever steps are necessary by KDWP, the Wildlife and Parks Commission, and the Kansas Legislature should be taken to provide mandatory penalties for deer poaching convictions.

Clarification/Rationale: This recommendation is aimed at the problem of poaching and enforcement difficulties, especially that county attorneys don't take deer cases seriously.

10. The mandatory minimum penalty for a deer poaching conviction should be a \$3000 fine, plus a 3-year revocation of hunting rights.

Clarification/Rationale: This recommendation, too, is aimed at the problem of poaching and enforcement difficulties, providing more details on suggested penalties thought to represent appropriate levels of punishment.

11. KDWP should set deer management goals and objectives on a unit by unit, species by species basis, and statewide.

Clarification/Rationale: This recommendation is aimed at the problems of uncertainty as to management targets for deer and the fact that deer management challenges and opportunities vary across the state.

Discussed without reaching consensus:

- Implement check stations to collect better and more timely biological information
- Implement unit management concept utilizing field staff input
- Set or develop deer management goals either by unit or statewide
- Define “quality” hunt opportunity
- Have draw for HOL mule deer permits [sub topic of mule deer/whitetail management strategies

Issue Area 3: Leasing hunting rights on private land

(No consensus recommendations reached for this issue area; there was little interest in trying to develop recommendations in an area where there seemed to be little opportunity for control/impact.)

Issue Area 4: Resident Deer Hunting Opportunities

12. KDWP should design a program to provide incentive for landowners to allow access. Such a program could include coupons redeemable by landowners.

Clarification/Rationale: This recommendation is aimed at the problems of loss of hunting access, primarily related to resident hunters, and providing potential income to landowners.

13. KDWP, the WP Commission, and the Legislature should do all within their power to enhance law enforcement, including mandatory/statutory punishment for violations.

Clarification/Rationale: This recommendation is aimed at the problem of poaching, enforcement difficulties and county attorneys not taking deer violations seriously.

14. The providing of public information should be a more substantial part of the KDWP deer management program, including specific efforts targeted at landowners as well as hunters.

Clarification/Rationale: This recommendation is aimed at the problem of hunters and landowners alike not fully understanding challenges and opportunities associated with deer and deer management.

15. KDWP should create urban deer hunting opportunities.

Clarification/Rationale: This recommendation is aimed at the problems of increasing urban populations, and the impact of development on habitat loss.

16. KDWP should evaluate the entire Walk-in Hunting Area (WIHA) process as it relates to deer management, including wording of contracts, what we lease for, and the worth of WIHA lands.

Clarification/Rationale: This recommendation is aimed at the problems of not enough free access for hunters, not enough WIHA available during muzzleloader season, not all WIHA is good for deer hunting, and some hunters are losing access to nonresident outfitters.

17. KDWP should seek to enhance their understanding of landowner motivations as related to deer and deer management.

Clarification/Rationale: This recommendation is meant to provide economic and sociological studies done independently at a university. It addresses the problem that program development is frequently based on assumptions about landowner motivation and needs.

18. KDWP should provide more special hunt opportunities on public lands.

Clarification/Rationale: This recommendation is aimed at the problem of providing access for disabled sportsmen, youths or women – and other groups we particularly want to recruit. It could also include providing quality deer hunting with less open access.

19. KDWP should clarify and inform landowners and others on liability issues related to deer and deer management.

Clarification/Rationale: This recommendation is aimed at the problems of liability concerns being assumed by outfitters leasing properties, and landowner perception of safety and liability concerns.

20. KDWP should encourage guides and outfitters to provide as much public use of leased lands as possible. KDWP should inform and educate the public about guides and outfitters place in deer management.

Clarification/Rationale: This recommendation is aimed as several problems, including restricted access, the public relations problems of guides and outfitters, and misunderstandings about the place of guides and outfitters in deer management.

21. KDWP should demonstrate and publicize sound deer management principles by providing them in its management on public lands.

Clarification/Rationale: This recommendation is aimed at the problem of loss of quality deer hunting opportunities on private and public lands.

22. KDWP should maintain deer hunting opportunities commensurate with what the deer resource can biologically tolerate.

Clarification/Rationale: This recommendation is aimed at the problem of maintaining the type of sound deer resource that stimulates the types of high demands currently being placed on it.

23. KDWP should incorporate long term considerations in its deer management program.

Clarification/Rationale: This recommendation is aimed at the problem of maintaining a healthy, sound deer herd to meet future demands.

24. KDWP should implement a preference point system for mule deer hunting.

Clarification/Rationale: This recommendation is aimed at the problems of different management needs and considerations for mule deer and whitetails, and the high demands for mule deer hunting.

Discussed without reaching consensus:

- Purchase/acquire additional public lands

Issue Area 5: General Nonresident Deer Permits

25. KDWP should create a nonresident game tag at a price of \$30.

Clarification/Rationale: This recommendation is aimed at the problems of fees being too low and the need to raise added revenue.

26. KDWP should implement a preference point system for general nonresident permits.

Clarification/Rationale: This recommendation is aimed at the problem of the need to raise additional revenue.

27. KDWP should propose raising the application fee cap to \$25, with the Wildlife and Parks Commission to decide the fee.

Clarification/Rationale: This recommendation is aimed at the problem of the need to raise additional revenue.

Discussed without reaching consensus:

- Match the number of nonresident permits to the level the deer resource can sustain
- Increase nonresident firearms deer permit allocation from 10% to 15% of permits sold to residents
- Find a way to capture \$2million refunded – either through permit fee increases or permit number increases
- Increase nonresident fee from \$200 to \$250
- Allow no nonresident mule deer permits

Issue Area 6: Economic Factors

28. KDWP should monitor the health of the deer herd.

Clarification/Rationale: This recommendation is aimed at the problem of disease concerns, especially diseases potentially transmissible from deer to livestock.

29. KDWP and the Kansas Animal Health Department should cooperate in securing training for more KDWP and U.S. Fish and Wildlife Service personnel to monitor deer disease problems.

Clarification/Rationale: This recommendation, too, is aimed at the problem of disease concerns, especially diseases potentially transmissible from deer to livestock.

30. KDWP should support State efforts to develop more labs for testing for chronic wasting disease (CWD).

Clarification/Rationale: This recommendation, too, is aimed at the problem of disease concerns, especially diseases potentially transmissible from deer to livestock.

31. KDWP should support efforts by others to develop and approve new CWD test procedures.

Clarification/Rationale: This recommendation, too, is aimed at the problem of disease concerns, especially diseases potentially transmissible from deer to livestock.

32. KDWP should encourage the USDA to approve European testing procedures for prion diseases.

Clarification/Rationale: CWD neither exists in Europe nor are there testing procedures for CWD in Europe. This recommendation, too, is aimed at the problem of disease concerns, especially diseases potentially transmissible from deer to livestock.

33. KDWP and the Kansas Animal Health Department should cooperate in reviews of rules and regulations governing diseases that might involve the deer herd.

Clarification/Rationale: This recommendation, too, is aimed at the problem of disease concerns, especially for diseases potentially transmissible from deer to livestock.

34. KDWP should increase efforts to inform landowners about the hunter referral program.

Clarification/Rationale: This recommendation is aimed at the problems of deer accident losses, deer crop depredation, and problems landowners have recouping costs sustained by deer.

35. KDWP should expand efforts to inform drivers on how to avoid deer/vehicle accidents.

Clarification/Rationale: This recommendation is aimed at the problem of deer/vehicle accident losses.

Discussed without reaching consensus:

- Charging access fees can provide landowners compensation
- Establish program to compensate landowners for deer damage
- Fund damage payments from State General Fund

Issue Area 7: Permit Pricing Structure

(No consensus recommendations for this issue area.)

Discussed without reaching consensus:

- 20% increase in price of all permits and game tags
- Develop online permit application and issuance process
- Create a 3-season resident either sex whitetail permit for \$100
- Raise price of nonresident permits to \$300
- Create 3-season permit for nonresident hunters
- Increase all resident permit fees by 20%

Issue Area 8: Damage Control Permits

(No consensus recommendations for this issue area.)

Discussed without reaching consensus:

- Expand the area permits can be used to adjoining land with landowner's permission
- State would lease land from landowners with deer problems and open it to hunting
- Give landowners nonresident transferable permits for damage control

Issue Area 9: Minimum Acreage Requirements

36. The minimum acreage requirement related to deer permits should be left as it is.
Clarification/Rationale: This recommendation is aimed at the problem that changing the minimum would affect those who have purchased 80 acres to qualify.

Issue Area 10: Guides and Outfitters

37. KDWP should recommend increasing nonresident guide license fees without corresponding increases for resident guides.

Clarification/Rationale: This recommendation is aimed at the problem that nonresident outfitters and guides permits are too low.

38. KDWP should encourage guides and outfitters to develop a public relations program.

Clarification/Rationale: This recommendation is aimed at the problem that a few unethical guides give all guides a bad name.

39. KDWP should monitor and publish trends in leasing acreages and numbers of guides operating in the state. Reporting/responding to surveys should be voluntary.

Clarification/Rationale: This recommendation is aimed at the problem of perception that guides and outfitters are a large part of the problem with hunting access to private land.

40. KDWP should acknowledge and help publicize guides and outfitters who are willing to host youth hunt events.

Clarification/Rationale: This recommendation is aimed at the problem that the public perception of guides and outfitters is frequently negative.

Discussed without reaching consensus:

- Prohibit guiding on public land
- Charge fee for guiding on public land and WIHA
- Charge fee for guiding on state-managed properties
- Revoke guide licenses for any wildlife violation
- Triple fines for guide-related violations
- KDWP assist with guides/outfitters PR campaign
- Develop code of ethics for guides & outfitters
- Explore possibility of charging guide fees based on acreage controlled; resident to nonresident ratio: 1-5

Additional Recommendations

41. KDWP should explore the development of online deer license application and issuance.

Clarification/Rationale: This recommendation is aimed at the problems of lack of availability of licenses and providing alternative license sale options.

42. KDWP should allocate and issue game tags by specific unit.

Clarification/Rationale: This recommendation is aimed at providing management of deer on a unit by unit basis to account for differences in management challenges and opportunities.

Additional recommendations discussed without reaching consensus:

- KDWP investigate setting parameters for deer management assistance program; sunset review provision; fee based; include mechanism for issuance of transferable permits
- Criteria for management goals: trophy quality bucks; age structure in buck population; unit-by-unit management; manage herd, making decisions based on what resource can bear, public tolerance, maintaining quality
- Establish population at optimum balance of carrying capacity, landowner tolerance & providing recreation
- Develop deer management plan with measurable goals and objectives with annual reporting
- Revamp permit process: KDWP to determine what unit-by-unit harvest should be; distribution of permits should be done by legislature
- KDWP should explore development of deer habitat incentive program; incentives in the form of permits or preference points for permits
- Explore outlawing recreational spotlighting/night vision goggles
- Explore changing/including .22 caliber centerfire rifles in deer hunt legal equipment
- Explore regulations to prevent disease spread by long term feeding of wild cervids
- Prioritize permits by class for permit number reductions; cut nonresident permit numbers first

EVALUATION/LESSONS LEARNED

A separate report systematically capturing and presenting the entire range of impressions of work group members (as well as key KDWP staff) will be prepared. However, at the last work group meeting some time was devoted to evaluating the work group process. A few of the positive statements made at that time included (a) learned that issues can be solved through cooperation—not giving up, (b) lines between sometimes adversarial groups have been blurred, (c) exposure to ideas and representatives from other groups was beneficial, and (d) this process should continue—should be on-going. A few of the negative statements made at that time included (a) some valid issues were lost due to a lack of consensus, (b) not enough time, (c) lost sight of public input, and (d) different interpretations of language created confusion.

SRAmend/Casper, WY/12-02-02

**DEPARTMENT RECOMMENDATIONS CONCERNING DEER
MANAGEMENT WORKGROUP PRIORITY ISSUES
December 12, 2002**

Priority issues presented by the Deer Management Workgroup have been reviewed and discussed by department staff. The following are recommendations for Commission consideration and discussion as it relates to those issues that require legislative and/or regulatory action.

Issues that can be addressed by department policy, position or procedure, without legislative or regulatory action, will be reviewed in time for appropriate implementation for the 2003 deer season.

Issue items and suggested recommendations are presented according to action necessary for implementation. The issue numbers refer to those provided in the Workgroup Final Report.

LEGISLATIVE ACTION:

Issue 2: KDWP, the Wildlife and Parks Commission and the Kansas Legislature should ensure that landowners receive benefits from the transferable permit program.

Issue 3: Hunting with a transferable permit shall only be legal on land(s) controlled by the applicant.

Discussion: The workgroup indicated in the "clarification/rationale" section that issue 2 is aimed at problems with scalping and of not meeting the original intent of the program. Issue 3 was aimed at a number of problems, most significant being "scalping", area the permit was valid on, and receiving a permit when the lands owned or operated by the applicant provide little or no deer habitat.

These two issues appear interrelated and therefore will be discussed together. The purpose of the recommendation is to ensure a larger benefit to the landowner who applies for and receives a permit. The recommendation would require a statutory change to 32-937(o) to essentially turn the nonresident transferable permit into a nonresident transferable hunt-own-land of applicant permit. Additionally, the language of the proposal states controlled, which would deviate from the current statutory language of owned or operated. Controlled could be interpreted in several different ways, including leased for non-agricultural purposes, i.e. hunting.

Recommendation: Propose legislation that would restrict use of the transferable permit to lands owned, operated and controlled by the applicant; including lands controlled for big game hunting through written agreement.

*Senate Natural Resources Committee
Date: January 30, 2003
Attachment 4-1*

Issue 4: In figuring nonresident permit allocations, KDWP shall add hunt-own-land (HOL) permit sales to general residents, according to the following formula: 75% to firearms and 25% to archery.

Discussion: This issue addresses allocation of nonresident firearms and archery permits. The workgroup suggested an alternative method from that provided in state statute (K.S.A. 32-937, m1 & m2) which authorizes the department to issue nonresident deer permits on the basis of a percentage of resident permits issued the previous year for those permits having no quota restriction, or a percentage of the resident quota established for a particular permit type for that year. Current statute allows that percentage allocation to not exceed 10% for nonresident firearms and not exceed 15% for nonresident archery permits.

Review of the issue in reference to the current percentage restrictions and using the scenario presented by the workgroup in the "clarification/rationale" section of the final report, the percentage to achieve the same nonresident quota outcome would require a change from 10% to 12% for firearms and 15% to 17% for archery.

The department is in agreement with the workgroup to increase nonresident permit quotas. Related to this issue, it should be noted that the number of landowner transferable permits as addressed in issues 1 and 2, are determined by the number of nonresident permits authorized by the department; i.e. 50% of the nonresident quota comprise the quota for landowner/tenant transferable permits and are distributed to qualifying individuals via application and random draw.

The recommendation presented provides for planned growth and offers greater management flexibility and budget planning without addressing the legislation on an annual or irregular basis. Since the percentage limitations provided by statute are upper limits, it does not preclude the department and commission from using reduced percentage allocations should deer management require such action.

Recommendation: Continue the percentage allocation restriction method for determining nonresident deer permits, but prepare legislation that would allow for a conservative increase as recommended by the workgroup; increasing the percentage limitation to 12% for firearms and 17% for archery.

While the workgroup did not recommend consideration for future increases, the department suggests consideration of a legislative proposal to include a 2 percentage point incremental increase for each of the years 2003 through 2007. Percentage allocation for 2003 would not exceed 12% for firearms and 17% for archery and at year 2007 the percentage allocations would not exceed 20% for firearms and 25% for archery.

Issue 9: Whatever steps are necessary by KDWP, the Wildlife and Parks Commission, and the Kansas Legislature should be taken to provide mandatory penalties for deer poaching convictions.

Issue 10: The mandatory minimum penalty for a deer poaching conviction should be a \$3,000 fine, plus a 3-year revocation of hunting rights.

Issue 13: KDWP, the WP Commission, and the Legislature should do all within their power to enhance law enforcement, including mandatory/statutory punishment for violations.

Discussion: All of these issues are aimed at providing heavy punishment for deer poaching convictions. Law enforcement, and particularly penalties and punishments for violations, is an important component of deer management. While it is agreed that the statutory provisions controlling punishments are in need of review, this process is of a much broader scope than relating only to deer violations. It is the intention of the Law Enforcement Division to conduct a more thorough review of this area and propose appropriate changes to the penalty provisions of the statutes in future legislative sessions. Additionally, legislation is intended to be introduced that would allow Kansas to become a member of the Interstate Wildlife Violator Compact. Membership in the compact provides some very far-reaching ramifications relating hunting privileges throughout compact member states. It is believed that these recommendations would be brought before the 2004 legislative session.

Recommendations: Continue with department review of statutes for future legislative action, including membership to the Interstate Wildlife Violator Compact.

Issue 12: KDWP should design a program to provide incentive for landowners to allow access. Such a program could include coupons redeemable by landowners.

Discussion: As indicated in the workgroup "clarification/rationale" section, loss of access to private lands and providing income to landowners were noted as primary concerns associated with this issue. Under the Walk-In Hunting Access program the department currently leases approximately one million acres from private landowners for the purpose of providing fall upland bird, deer and turkey hunting in both the fall and spring seasons. Nearly all property leased for fall hunting is open to archery deer hunting and a large proportion is available for firearms deer hunting. While the initial WIHA program was directed at providing upland game bird hunting opportunity, access for deer hunting has been an increasing consideration as property is reviewed for lease. Improving the WIHA program is a continuing department effort.

Recommendation: Landowner incentive programs that result in hunter access are considered high priority. It is the department's recommendation that the WIHA program continue its evolution in providing for those access needs. The department will continue to investigate new and innovative methods for achieving access to private land.

Issue 25: KDWP should create a nonresident game tag at a price of \$30.

Discussion: The workgroup indicated that this recommendation was aimed at the problems of fees being too low and the need for added revenue. The recommendation would require a statutory change to KSA 32-988 to split resident and nonresident

categories for big game tags. Currently, the maximum value of big game tags is set at \$10.

Recommendation: Since the big game tag also applies to turkey big game tags, the Department recommends preparing legislation that would split resident and nonresident pricing for the big game tags with statutory caps at the \$20 range for residents and \$40 for nonresidents. Through later Commission regulatory action, leave resident pricing at the current level of \$10 and raise nonresident price levels to \$20. The \$20 level would avoid conflict with current nonresident turkey permit price of \$30 and avoid as well splitting again big game tags into separate categories. The raise in the statutory caps would allow flexibility for the Commission in setting future pricing for Big game tags, should permit pricing also raise.

Issue 27: KDWP should propose raising the application fee cap to \$25, with the Wildlife and Parks Commission to decide the fee.

Discussion: This recommendation is aimed at the problem of the need to raise additional revenue. It would require a statutory change to KSA 32-988 to raise the nonresident application fee to \$25 from the current level of \$5.

Recommendation: The department recommends preparing legislation for amend 32-988 with the statutory cap to \$25. The department would also recommend in further regulatory action setting such nonresident application fee at \$10.

Issue 36: The minimum acreage requirement related to deer permits should be left as is.

Discussion: Minimum acreage to qualify as a landowner / tenant / or manger is currently set at 80 acres. While there has been discussion amongst stakeholders concerning the 80 acres and a general viewpoint that raising that figure should be considered, the department recommendation provided concurs with the workgroup. Further discussion and input from stakeholders is warranted before a change is recommended.

Recommendation: Maintain the current 80 acre requirement for landowner / tenant / manager status relating to deer permitting.

Issue 37: KDWP should recommend increasing nonresident guide license fees without corresponding increases for resident guides.

Discussion: This recommendation is aimed at the problem that nonresident outfitters and guides permits are priced too low. The recommendation would require statutory changes to KSA 32-988. Nonresident commercial guide permit pricing is currently capped at \$1000. The recommendation would likely result in legal action

against the Department. Current caselaw dictates the ratio of commercial licensing for residents and nonresidents hold no more than an approximate 1 to 4 or 1 to 5 ratio. This 1 to 4 or 1 to 5 ratio is currently the status of other states in the nation for commercial permit licensing.

Recommendation: The Department recommends preparation of regulatory changes to KAR 115-2-1 to split the associate guide pricing into nonresident and resident categories. The recommendation would also include leaving resident prices at the current level of \$100 and raising the nonresident pricing for associate guide permits to \$400 to stay in line with the 1 to 4 ratio.

REGULATORY ACTION:

NOTE: Issues 1 and 26, presented below, cover two similar but yet separate issues pertaining to preference points where limited permit drawings are necessary. The difference is that Issue 1 pertains to **applicants (resident landowner / tenants)** for the allotted quota of transferable landowner/tenant permits. Issue 26 pertains to **general nonresidents** who apply for the limited general nonresident permits.

Issue 1: The KDWP should implement a preference point draw system for transferable landowner/nonresident permits.

Discussion: This recommendation is aimed at the problem of landowners, guides and outfitters not being able to predictably obtain transferable permits. This recommendation would require regulatory change in KAR 115-4-11 dealing with permit applications. While the issue refers to transferable landowner/nonresident permits it actually relates to preference points being assigned to unsuccessful landowner/tenants who apply for the transferable permit. This issue does not relate to those individuals to whom the permit may be transferred. Developing such a preference point program would offer fairness to resident landowner / tenants who are making application for limited draw permits.

Recommendation: The Department recommends establishing a landowner / tenant preference point system awarding one point per year for each year the landowner / tenant applicant is unsuccessful in obtaining a limited draw landowner / tenant transferable permit.

Issue 26: KDWP should implement a preference point system for general nonresident permits.

Discussion: This recommendation is aimed at nonresidents not being able to predictably obtain permits. This issue provides fairness to the nonresident who is

applying for limited draw general nonresident permits. The change would award one point per year for each year the nonresident applicant is unsuccessful in obtaining a general nonresident permit. This recommendation would require regulatory changes to KAR 115-4-11 regarding permit applications.

Recommendation: The Department recommends preparation of regulatory changes to KAR 115-4-11 to allow a preference point system for general nonresident permits.

Issue 5: KDWP shall have separate management strategies for mule deer and whitetails, including separate permitting systems.

Discussion: As recognized by the workgroup, the needs and management issues for white-tailed and mule deer are different. The issue suggests that the two species be separated for the purpose of developing management strategies, including the permitting structure. This issue has been discussed within the department and the idea of managing for two separate species has merit and general agreement. The issue of permit distribution (archery, firearms, hunt-own-land, etc) and quota requirements is one that needs more discussion and stakeholder input. Under a species specific management program, the liberal department position for issuing deer damage permits would need to be reviewed.

Recommendation: The department will assign further review and discussion of this issue to an in-house study committee. Input from stakeholders will be an integral part of the review. The complexity of this issue will preclude any action for the 2003 season and recommendations for action will be prepared and presented for the 2004 season.

Issue 24: KDWP should implement a preference point system for mule deer hunting.

NOTE: The necessity for considering Issue 24 is related directly to implementation of a species specific management program as suggested in Issue 5.

Discussion: This recommendation is aimed at the problems of different management needs and considerations for mule deer and whitetails, and the high demands for mule deer hunting. KAR 115-4-11 already has in place a preference point system for resident any deer permits. Without a species specific management program there is no need for a preference point system for mule deer permits.

Recommendation: The Department recommends no change to KAR 115-4-11 with regard to this recommendation. If after review by the department a species specific management program is implemented, it would be recommended that a preference point system for mule deer permits be implemented.

Issue 8 & 15: KDWP should create urban deer hunting opportunities.

Discussion: Increasing deer populations in urban and suburban areas is an increasing concern for the residents and governing bodies. Many of these areas are governed by city and county ordinances that prevent the discharge of archery and/or firearms. Hunter harvest in most situations still provides the most effective and efficient means for controlling deer numbers. However, in urban settings, hunting as means of control takes on the added dimension of public safety and general attitudes and opinions concerning hunting of deer. Hunting as one control method is not out of the question for urban settings, but stakeholder input and acceptance is a critical element in developing the program.

The department continues to work with cities and counties who have recognized a need for deer herd control. An urban deer management plan has been prepared and is provided to interested parties. Addressing urban deer issues will be most successful through partnerships with the governing entities and the effected public. That process is now underway in the Kansas City metropolitan area and will be extended to other similar areas.

Recommendations: Continue efforts to culture partnerships with those urban areas requesting assistance. The department will continue to encourage the use of hunter harvest when practical and where ordinances can be adjusted to allow for such management efforts. The department will enhance it's involvement with urban deer management issues, including feasibility of expanding to other urban areas where assistance is needed.

Issue 42: KDWP should allocate and issue game tags by specific unit.

Discussion: The workgroup concern focused on the need for unit specific management of deer populations. Currently the antlerless only game tag is good in any unit where game tags are legal. Under this provision the game tag offers opportunity to those who may want to hunt in different areas of the state without unit restriction. Under the current management program, reduction in antlerless harvest is being achieved by reducing the number tags that can be used in any given unit, and by removing the unit from the January antlerless only season. These measures were first implemented for the 2002 season in select western units and will be considered for other units with the population information warrants.

Recommendations: Continue to address unit specific antlerless harvest reduction by reducing number of tags that can be used in a particular unit and by removing units from the January season. If management necessitated, specific units could be excluded from the use of a game tag.