

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Senator Robert Tyson at 8:30 a.m. on March 13, 2003 in Room 423-S of the Capitol.

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

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

Conferees appearing before the committee:

Mike Beam, Kansas Livestock Association	Todd Lewis, Farmer/Rancher
Roger Giles, Farmer	Steve Riegel, Farmer/Rancher
David Clawson, Farmer	Lee Robbins, Farmer
Steve Swaffer, Kansas Farm Bureau	Secretary Mike Hayden, KDHE
Steve Sorensen, KS Wildlife Federation	Ron Klataske, Conservationist/Sportsman
Stacy Hoeme, Farmer/Rancher	Leland Queal, KS Chapt. Wildlife Society
Keaton Kelso, Outfitters' Association	Will Carpenter, Wildlife and Parks Comm.
Spencer Tomb, National Wild Turkey Federation	

Others attending: See attached guest list

Hearing on Senate Bill 2078

Legislative Researcher, Raney Gilliland presented a brief overview of **SB 2078** to the Committee.

Mike Beam of the Kansas Livestock Association yielded time to members of his Association who traveled to Topeka to give testimony on this bill.

Todd Lewis, Farmer/Rancher from Fowler, Kansas testified in support of the bill because it helped to address the need for more transferable tags. He also shared a few suggestions on how to simplify the tag system to make it more user-friendly for the landowner-tenant. ([Attachment 1](#))

Roger Giles, owner and operator of Giles Ranch Company said the ranch recently added recreational hunting to their business activities. He explained that they usually lose the last cutting of alfalfa each year to the deer. He said the distribution of permits should be tied to the acres operated and the deer populations on those acres. He encouraged the Committee to pass the bill favorably without amendment. ([Attachment 2](#))

Steve Riegel, of Riegel Ranch leases land to Outfitters in order to recover some of the economic losses caused by deer. He expressed the frustration he and other landowners feel with the way the deer permit pool is currently run. He also shared ideas that would build a cooperative relationship between Wildlife and Parks and landowners. ([Attachment 3](#))

David Clawson, a landowner from Englewood, Kansas felt that further restriction of transferable tags would make it harder for landowners to get tags need to sell hunts on the owners property. In Mr. Clawson's area, the pool is flooded with 80% of applicants from out of state licensing service clients. However, only 46 gun tags are available. He questioned why, in a time when the whitetail deer herd is flourishing, is it so difficult for local landowners and outfitters to get the transferable non-resident deer tags that are needed in order to reap economic benefits desperately needed in rural communities. ([Attachment 4](#))

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:30 a.m. on March 13, 2003 in Room 423-S of the Capitol.

Cattle rancher, Lee Robbins of Woodson County praised the increase in the number of firearms and archery permits that are provided for in the proposed legislation. In instances where a landowner "overdraws" from the pool of permits, Mr. Robbins suggested that the "overdrawn" permits be made available again through Wildlife and Parks to a landowner that underdrew, to be used on that landowner's property. ([Attachment 5](#))

Kansas Farm Bureau (KFB) representative, Steve Swaffer said that his organization had been a part of the Deer Management Working Group, the group whose recommendations influenced the drafting of the bill. KFB supported the bill as amended, recognizing a need for members to be able to recover damages and also benefit economically from deer hunting. The Bureau supported tying non-resident transferable permits to a smaller land mass than the entire deer management unit, but had reservations regarding the restriction of the use of the permit only for land controlled by the applicant. Mr. Swaffer also acknowledged a need for a control mechanism on the total number of tags issued per year. ([Attachment 6](#))

Mike Beam of the Kansas Livestock Association (KLA) spoke on behalf of his organization as a proponent of the bill. KLA asked the Committee to consider putting into practice a program currently offered in Oklahoma by that state's Department of Wildlife Conservation. They provided a brochure which summarized the program. ([Attachment 7](#))

Whitney Damron submitted written testimony on behalf of the Kansas Sport Hunting Association (KSHA). KSHA urged the Committee to amend K.S.A. 32-964 to "exclude the requirement for a commercial guide license for those who do not provide guide services for deer hunting." ([Attachment 8](#))

Secretary Mike Hayden of Wildlife and Parks appeared before the Committee to give testimony in opposition to the floor amendment to **HB 2078**. They requested the following amendments:

- 1) Removal of the provision that allows unlimited transferable archery permits
- 2) Tying the transferable permit to a county in which the applicant qualifies
- 3) A revision to set the sunset provision of the transferrable permit to June 30, 2008
- 4) A change in the effective date to January 1, 2004

([Attachment 9](#))

Wildlife and Parks also requested that Section 1, page 3, lines 4-15 of **HB 2078** be stricken, as well as Section 1, page %, lines 5-6 be amended, lines 11-14, striking the whole sentence, line 16 be amended. ([Attachment 10](#))

Steve Sorensen of the Kansas Wildlife Federation (KWF) voiced the Federation's reservations with **HB 2078**. He cited public opinion statistics regarding deer management in Kansas. The Federation's concerns centered around possible long-term negative impacts they see for resident hunters of deer and upland game. Additionally, they were concerned with how the bill might impact new recruits and young hunters in the years to come. In his written testimony, Mr. Sorensen provided a copy of the Final Report by the Kansas Deer Management Work Group to Committee members. ([Attachment 11](#))

On behalf of the leadership of Audubon of Kansas, Ron Klataske gave testimony recommending two changes to **HB 2078**. He requested that the Committee 1) Increase the value of wildlife in the bill in order to project support for law enforcement officials, and 2) Change language in the bill from "*for big game hunting purposes*" to "for agricultural purposes". Audobon felt this language change would reward landowners and tenants who maintain or improve good habitat for deer and other wildlife. ([Attachment 12](#))

Stacy Hoeme, a landowner in Western Kansas opposed the amendment on **HB 2078** because of possible deer management problems. He was concerned that the bill did not distinguish between mule deer and whitetail deer; doe or buck. Mr. Hoeme argued that if the "hunt-on-your-own-land" (HOYOL) deer permit is made transferable, the population of mule deer will decrease and trespassing and poaching will increase. He also shared concerns regarding bowhunting in Kansas. ([Attachment 13](#))

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:30 a.m. on March 13, 2003 in Room 423-S of the Capitol.

Dan Haines of the Kansas Chapter of the Wildlife Society supported the language proposal recommended by Audobon of Kansas. Additionally, they recommended the elimination of the Section (i) amendment which authorized an unlimited number of special HOYOL transferable archery permits. In conclusion, they suggested that **HB 2078** be referred to an interim study committee to determine the impact of the bill in its present form. (Attachment 14)

Kansas Outfitters Association (KOA) representative, Keaton Kelso, reported that KOA favored the original bill proposed by the House, but could not support it as amended. The organization stated that the amendment "open(ed) the doors for an unmanageable deer harvest." (Attachment 15)

Spencer Tomb, board member of the Kansas Chapter of the National Wild Turkey Federation testified in opposition to **HB 2078**. The Federation felt the bill was not restrictive enough and did not reflect the wishes of the public. Additionally, the Federation stated that the bill "did not address the serious problems of permit brokering and scalping...a problem which gives the landowner peanuts while the big bucks go to the broker." In the event that the bill is worked, Mr. Tomb requested that the permits be tied to specific land. (Attachment 16)

Will Carpenter, Wildlife and Parks Commissioner asked the Committee to consider what it might take to sustain the viability of the state's deer herd. He urged members to remove the amendment added to the bill. (Attachment 17)

Written Testimony

Leland Queal, a wildlife biologist discouraged the Committee from passing the bill. He felt that the bill would drive up the cost of deer hunting in Kansas and that an increase in leasing would not be used for hunting purposes, but that land would be leased for the purpose of gaining access to transferable permits. (Attachment 18)

Edward Koger, a rancher and farmer provided Committee members with his perspective on hunting in Kansas. He encouraged the Committee to increase the penalties for poaching trophy bucks. (Attachment 19)

Roy and Dorie Tucker of Tucker Ranch on Rock Creek wrote in full support of **HB 2078**. They felt the amendment helped to provide some "leverage to landowners to plan for economic income through deer hunting." (Attachment 20)

Shawn Harding of the Kansas State Bowhunters Association asserted that the bill was "not an effort to manage deer numbers". He stated that the proposed modifications were unacceptable because of wording applied to the restriction of transferable tags. (Attachment 21)

The meeting was adjourned at 9:35 a.m.

SENATE NATURAL RESOURCES COMMITTEE

GUEST LIST

DATE: March 13

NAME	REPRESENTING
Stacy Sorenson	Ks Wildlife Federation
Chad Luca	FDWP
MIKE NICKELS	KOA / ^{OLD SCHOOL GUIDE SERVICE} NICKELS FARMS
Keaton Kelso	Kansas Outfitters Assoc KPK Outfitters
SPENCER Tomb	Nat. Wild Trucks Federation Nat. Wildlife Federation
Stacy Hoeme	Scott City west KS.
heAnn Schmitt	LV Co KS
Steve Swaffar	Ks Farm Bureau
David Clauson	Landowner
LARRY KONRADE	^{LANDOWNERS} LOCAL WESTERN KANSAS OUTFITTER
Roger Giles	Rancher Clark Co. KS.
STEVE RIEGEL	FARMER/RANCHER Ford, KS
Todd Lewis	Farmer Rancher Fowler KS.
Lee Hawes	KOA - KS Outfitters Assn.
Todd Johnson	KLA
Edna M Pucal	Kansas Chapter of The Wildlife Society
Will GARPENTOR	KANSAS Dept. of Wildlife & Parks Commission
Whitney Dameron	KS Sport Hunting Assn.
Mary Jane Stattelman	KGFA/ RARA
Hon Klataske	Audubon of Kansas
Leslie Kaufman	KFB

Testimony
HB 2078

March 13, 2003

The Senate Natural Resources Committee
Senator Robert Tyson, Chairman

Mr. Chairman and committee members I am Todd Lewis a farmer and rancher in Meade and Gray county Kansas. Six years ago my family and I began utilizing our land and farm facilities to host non-resident hunters. Commercial deer hunting is a vital part of our existence. Agriculture is our only income, we love rural life, but it is very hard to earn a living.

For the last three years we have used the landowner transferable tags to bring nonresident hunters to Kansas to hunt and spend money. My family, over the years has adapted with diversity to the challenges of agriculture in Kansas. My ancestors homesteaded, ran cattle, and operated a threshing machine for themselves and many neighbors. We also have adapted adding commercial hunting into the mixture of farming and cow-calf production.

It is very hard to keep our yearly hunting clientele happy and to book new hunters without the guarantee of a transferable tag. We have had so few tags available in unit 18 over the last three years it has been challenging to run a business. If tag numbers are reduced or further restricted to specific counties this would be devastating.

I have some suggestions on how to simplify the system and help the landowner-tenant.

1. Make the hunt own land whitetail deer permits transferable to anyone, with the state charging \$205.50 per tag for those that are transferred.
2. Use some form of a de-map system. This would consist of an approved biologist doing a study to determine deer herd density on a landowner or tenants land. Then allow the operator to purchase the appropriate number of tags to transfer.

Thank you for your time and interest on this issue. Please give rural Kansas a chance, thru commercial hunting to bring some economic growth to farmers and ranchers and their surrounding communities.

Sincerely,

Todd Lewis
5207 21 road
Fowler Ks. 67844

Senate Natural Resources Committee
Date: March 13, 2003
Attachment 1

March 12, 2003

To: The Senate Natural Resources Committee
Senator Robert Tyson, Chairman

From: Roger Giles, Giles Ranch Company

Re: HB 2078

I am Roger Giles and I, along with my wife, Cathy, and parents, Norman Lee and Delores Giles, own and operate Giles Ranch Company in Clark County, Kansas. We run a commercial cow-calf, stocker-feeder operation and raise wheat and alfalfa. In recent years, we also have added a recreational hunting enterprise.

We added the hunting enterprise for two reasons: 1) as an added profit center; and 2) to help recoup the economic loss sustained by our ranch each year from deer. We typically lose the last cutting of alfalfa each year to deer consumption along with decreased tonnage on each cutting. The deer also graze our wheat pasture and continually cause fence damage.

We lease the trespassing rights for our ranch to a company in Texas. The ability to keep that lease going depends on their ability to consistently draw hunting permits. Out of the nine permits our family applied for last year, we did not receive one permit. That is due to the fact that anybody owning 80 acres had the same chance to draw a permit as my family that operates on considerably more ground.

While I believe HB 2078 is on the right track in addressing the issue of lack of permits, I believe it is pertinent that the entire number of hunt-on-your-own-land permits be transferable to non-resident hunters. Making the permits non-transferable to out-of-state hunters will cause a great economic loss to the State of Kansas. Out-of-state hunters bring in lots of dollars to small, struggling communities. They spend their money not only on the hunting fees, but also at local motels, restaurants, and grocery stores.

I also believe the distribution of permits should be tied to the acres operated and the deer populations on those acres. It would help to ensure that the areas with the most deer would obtain the most permits. This would be a positive step in helping to manage deer populations and deer quality.

I appreciate your consideration of my opinions and would be happy to visit with you and answer any questions you may have.

Senate Natural Resources Committee
Date: March 13, 2003
Attachment 2

RIEGEL RANCH

**PO BOX 7
FORD, KANSAS 67842
620-225-9080**

The Senate Natural Resources Committee
Senator Robert Tyson, Chairman

My name is Steve Riegel, I operate a farm and ranch on the Arkansas River in Unit 17.

My neighbors and I have leased land along the Arkansas River to an Outfitter/Guide Service for the last three years and have enjoyed being able to offer some of the finest whitetail deer hunting in the United States while recovering some of the economic losses caused by deer.

Unlike some areas of the state, we have a large deer population and have a hard time drawing enough transferable deer permits to meet the demand for out-of-state requests for hunting thereby not allowing us to properly manage our deer population. We rely on being able to purchase permits from other landowners to transfer to our out-of-state hunters.

House Bill #2078, by tying the permit to specific land which does not have deer, would eliminate that landowner's ability to profit from the sale of the permit, and eliminate an out-of-state hunter from coming to Kansas, purchasing a deer permit, renting a motel room, eating meals, purchasing gas and any other entertainment they might desire. Also, landowners with large deer populations could establish a deer management plan specific to their land and more permits could be allocated to help control the larger concentrations of deer. This plan should be approved and monitored by Kansas Wildlife and Parks Department to assure that deer hunting in Kansas remains attractive to the out-of-state hunter and bring an economic boost to the ailing agriculture economy, the local communities and the State of Kansas.

Thank you for your time and consideration.

Sincerely,

Steve Riegel

*Senate Natural Resources Committee
Date: March 13, 2003
Attachment 3*

March 12, 2003

Senator Robert Tyson, Chairman
Senate Natural Resources Committee

Dear Senator Tyson:

My name is David Clawson. My family owns land in management unit 18 in southwest Kansas. Most of my family, including Mother, Father, a brother a sister and myself live in this unit. I am writing you this letter in an effort to express my concerns concerning the proposed changes to 2003 transferable landowner permits in House Bill #2078. Although I agree with most of the proposed changes, I feel further restricting of the transferable landowner tags, will only make it harder for us landowners to get tags needed to sell hunts on our property. Although statewide it may reduce the number of landowners applying for these tags, it is my opinion that since there are so few transferable landowner tags available in this unit, this restriction of tying the tag to that land or even county, will remove the ability of the local landowners and local outfitters to supply their hunters with deer tags. As the law stands now, these transferable landowner tags could be used anywhere in that management unit or if they were archery tags could be used state wide. They were not restricted to only the applicants land.

Our family, in unit 18, rely almost entirely on the transferable tags to be able to sell hunts to local outfitters and out of state hunters. Non-resident clients who want to hunt on our land will never draw a non-resident deer permit in the regular non-resident draw because the application pool in Unit 18 is flooded with 80% of applicants from out of state licensing service (specifically USO Outfitters in Taos, New Mexico) clients for only 46 total gun tags. Therefore, their clients will draw 80% of the regular non-resident permits. These out-of-state licensing services also conduct hunts in Unit 18 and thus control the regular non-resident deer tags. Again, that is why Unit 18 landowners that have their own hunters and local outfitters have had to rely on transferable landowner tags. Last year, my family drew 1 muzzle loader tag that could have been used on our property out of 10 applications. I had a long term lease with a group of out-of-state hunters that would have paid \$15,000 the first year and more every year after that if they could acquire enough transferable tags. These hunters would have spent money locally while hunting and given the economy of the Meade, Ks area a little boost.

Because of not having enough tags available, my lease fell through. I was able to go on the open market and purchase two tags and sell hunts to out-of-state hunter who paid \$2,000 per person to hunt on our property. The tags cost them an additional \$1,500 to buy. I also sold two archery hunts to a local outfitter for \$1,000 per hunt. With further restriction on landowners being able to draw transferable permits, I don't think this would be possible. All of the money on all these stayed in the Meade-Clark county area. Non was sent out of state.

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Attachment 4-1

In my opinion, the restriction of tying the tags to the land drawn or even within the county drawn on gives the out-of-state outfitters, who already control the regular non-resident draw, even more control of the deer hunting and further restrict an already, very restricted resource in our community and state. The answer to the problem is to allow the hunt-your-own-land permits to be transferred to anyone. Naysayers will say the quality of deer will be wiped out and there will be no control. What is keeping me from applying for up to 15 or 16 permits within my family and wiping them out now? It is because I'm managing this land for a potential way to make money on this resource. If I'm unable to secure transferable tags we would be happy to clean out this resource that we've been housing and feeding.

With our state's whitetail deer herd stable and flourishing, why does it have to be so difficult for local landowners and local outfitters to get transferable non-resident deer tags that are needed in order to utilize this huge economic resource that is being wasted and that is so badly needed in our rural communities and state?

Sincerely,

David Clawson
Box 146
Englewood, Ks.
67840

620-539-2029 home
620-629-1631 cell

Page 1

Lee & Janet Robbins
1181 54 Hwy,
Yates Center, KS. 66783
Home. 620-625-3628
Mobil 620-496-6695

3-13-03

Committee Members:

I Lee Robbins am a 4th generation cattle rancher in Woodson County. I have a hunting lodge and have ran a guided hunting buisness on my agricultural production land for 6 years. It is a man & pop operation.

In section N of bill 2078 increasing the number of firearm and archery permits yearly would be good for the hunters, the people in the hunting buisness and the Kansas economy. It is still quite restrictive on nonresident permit numbers but at least it is an increase.

In section P where the transferrable nonresident permits are landowner and land specific, I think the land specific part is good and should be land specific. The problem is the permits are recieved thru a drawing, so if you draw more tags than you need you are out 200⁰⁰/permit. For example, in 2002 my non-resident hunters, myself, my wife and my landlords put in the drawings for 17 permits and drew 6 that's a 35% success rate. However if this bill passes with this provision the success rate will go up I am sure but how much nobody knows.

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I do know it will make it easy to overdraw or under draw. My suggestions to this problem would be to make these permits that were overdrawn by a landlord or tenant^{be} available thru Wildlife & Parks to a landlord or tenant that under drew, to be used on his specific land. Another option would be to not pay the 200⁰⁰ nonresident fee until it is transferred to the nonresident.

A much better way of handling the permit problems for landowners and tenants would be for KDWP to work with the landowners and tenants to determine how many permits your habitat should be allowed on a sustainable measure and then we should be allowed to purchase them without a drawing. I hope this can be done in the near future so we as landowners and tenants can better manage this renewable resource.

We as landowners and tenants control the great majority of habitat within this State and KDWP should work with us to help everyone manage this renewable resource.

Thanks for your time and consideration,

Lee Robbins



Kansas Farm Bureau

2627 KFB Plaza, Manhattan, Kansas 66503-8508 • 785.587.6000 • Fax 785.587.6914 • www.kfb.org
800 S.W. Jackson, Suite 817, Topeka, Kansas 66612 • 785.234.4535 • Fax 785.234.0278

PUBLIC POLICY STATEMENT

Senate Natural Resources Committee

RE: HB 2078 – an act relating to hunting permits.

**March 13, 2003
Topeka, Kansas**

**Presented by:
Steve M. Swaffar, Director
Natural Resources**

Chairman Tyson and members of the committee, thank you for this opportunity to provide comments on House Bill 2078 addressing hunting permits for deer in Kansas. I am Steve Swaffar, Director of Natural Resources for the Kansas Farm Bureau. Kansas Farm Bureau is a grassroots organization that develops policy through the input of our 105 county organizations and the more than 41,000 farmer and rancher members across the State.

Kansas farmers and ranchers play a vital role in supporting the State's deer herd through the forage and shelter found on privately owned land. Over the years deer have been both a destructive nuisance and recently an economic opportunity for farmers and ranchers. Whether deer present a nuisance or an economic opportunity, culling of the herd on private land is vital to farmers and ranchers and to the continued success of the deer herd. HB 2078 provides at least one mechanism to continue that control and success.

This past summer and fall, Kansas Farm Bureau participated in the Deer Management Working Group to help ensure our members still have opportunities to reduce damage to their crops and to enhance their opportunities to benefit economically from deer hunting. The Deer Management Working Group was comprised of diverse interests that, through compromise, developed a set of recommendations for deer management that is the core of HB 2078. Farm Bureau members have developed their own policies that correlate with these recommendations and the proposed legislation. Our KFB policy reads:

To further develop the hunting industry in Kansas, and until the damage caused by big game is significantly reduced, Kansas Department of Wildlife and Parks (KDWP) should expand the hunting seasons, increase the number of in-state and out-of-state big game hunting permits, aggressively promote the

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landowner hunting referral program, and explore the development of a system to compensate landowners experiencing considerable damage.

Any person receiving a deer permit in Kansas should be allowed and encouraged to harvest an additional antlerless deer in management districts identified by the Secretary of the Kansas Department of Wildlife and Parks as areas where excessive deer damage occurs. In management districts where permits are available and not requested by Kansas residents, those permits should be made available to non-residents.

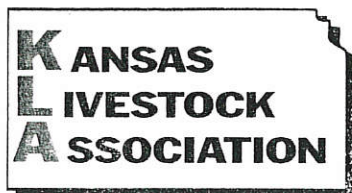
We support the increase in non-resident permits proposed in HB 2078 since it would provide farmers and ranchers additional opportunities to obtain non-resident transferable deer tags. The agriculture economy is extremely poor right now. Farmers and ranchers are searching for other income opportunities just to make ends meet. Hunting and fishing opportunities on private land have provided a small source of income for some agriculture operations. However, with the restricted number of non-resident tags and even fewer transferable tags, farmers and ranchers have had limited ability to derive the economic benefits from the deer herd they support. Increasing the number of tags would provide additional opportunities for farmers and ranchers and the economies of rural communities to benefit financially from the hunting industry.

The original bill was amended to make available a special hunt-your-own land archery permit that could be transferred to a resident or non-resident. The special permit could be obtained in lieu of the normal hunt-your-own land permits and would assess a fee of \$200.00. We believe this type of permit is a potential solution for landowners who have had difficulty obtaining transferable permits regularly. However, we do have some question about the potential number of permits that could be issued through this provision of the bill and the impact on the deer herd in some areas of the state. We suggest that some allowance be made to ensure the deer herd is not over-harvested in areas where populations cannot withstand a much greater level of harvest. Perhaps an increase in the minimum acreage required to qualify for one of these permits could be used or a maximum number of the special permits issued per family could be set. Whatever mechanism(s) is used, the primary consideration should be that farmers and ranchers are guaranteed these permits, if they meet the qualifications, and they have the opportunity to derive the economic benefits from them.

We also support tying non-resident transferable permits to a smaller land mass than the entire deer management unit, however we do have some reservations about restricting the use of the permit just to land under the control of the applicant. This could limit some crop farmers from deriving benefit from the transferable permit. We believe expanding the area of use for the transferable permit to a larger subunit within the existing deer management units would resolve this problem and still keep the ancillary benefits in the local economies, close to the origin of the permit.

We request the committee act favorably on HB 2078 and consider the possibility of increasing the land associated with the transferable permits. Thank you for this opportunity to speak with you today.

Kansas Farm Bureau represents grassroots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.



Since 1894

TESTIMONY

To: Senate Natural Resources Committee
Senator Robert Tyson, Chairman

From: Mike Beam, Sr. Vice President

Date: March 13, 2003

Subject: HB 2078 - A bill amending the deer hunting permit laws

Mr. Chairman and committee members, I am Mike Beam and I work for the Kansas Livestock Association. Our membership includes many farmers and ranchers who have an interest in state laws and regulations that tend to inhibit their ability to harvest a sustainable resource on agriculture land they own, manage and control. I'm speaking specifically of the limited number of available transferable deer hunting permits for trophy deer. This bill, HB 2087, represents an incremental step in improving the situation. For that reason KLA is a proponent of HB 2087.

Deer management has always been a natural resource and environmental issue. In recent years, however, it has become an economic opportunity for farmers and ranchers as well as a rural tourism and economic development activity for rural communities. Sportsmen and women in all areas of the country recognize Kansas as the place to hunt trophy deer and are willing to give the state \$200 or more for a deer-hunting permit. In fact, there is so much demand that the Kansas Department of Wildlife and Parks returned approximately \$2 million to nonresident applicants who were unsuccessful in the drawing for Kansas's permits. In addition to a loss of state revenues, these hunters often pay ranchers and guides/outfitters an attractive fee for access, lodging, and numerous other amenities.

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Several KLA members are attempting to supplement their agricultural income by guiding deer hunts or leasing trespassing rights on their farm and ranch land. This income opportunity can provide a second income that may allow a family member to work on the ranch in lieu of seeking employment away from home.

It is almost impossible, however, to market this service because there is no certainty a potential client can draw a hunting permit. Right now, Kansas only allocates 10% of its firearm permits and 15% of the archery permits to nonresident hunters. We really need to increase this allotment for nonresidents as they provide the best market for producers and guides.

Subsection (n) moves us in the right direction and gradually increases opportunities for nonresident hunters, landowners pursuing fee hunting ventures, guides, rural communities, and fee revenue for the Kansas Department of Wildlife and Parks.

As you will learn, the provisions limiting the transferable permits to the land is controversial and will likely affect landowners differently in different parts of the state. And the House floor amendment in subsection (i) causes KDWP considerable consternation because of a fear of over harvesting our state's trophy bucks.

I'd like this Committee to seriously consider a solution that has considerable potential for the deer resource and enhanced economic opportunities for our landowners. Attached is a copy of a brochure that summarizes a program administered the Oklahoma Department of Wildlife Conservation. The program is referred to as the "Deer Management Assistance Program" (DMAP).

Basically, landowners may apply to the Oklahoma Department of Wildlife Conservation, pay an annual fee of \$200 or \$400, and adopt a deer management plan on their own ranch. The plan is developed in cooperation with a state biologist and is subject to approval by the Oklahoma Department of Wildlife Conservation. According to one Oklahoma wildlife official, approximately 150 landowners participated in 2002.

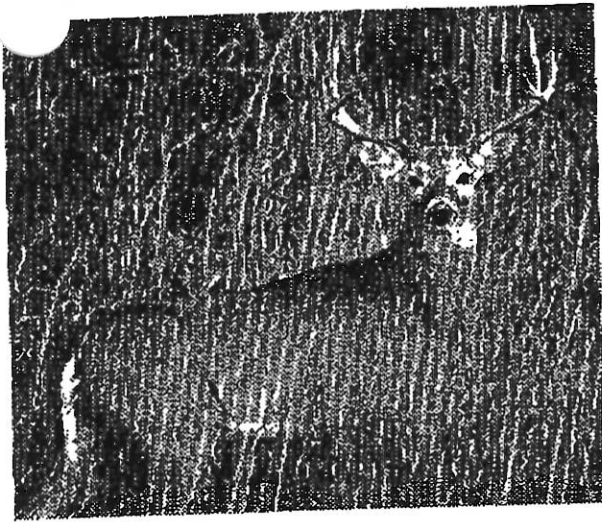
Many of our members have suggested that Kansas implement a similar program. I see many benefits. First of all, it would assure a sustainable deer population on a ranch. It could be developed to provide more certainty for landowners who want to market the harvest of deer on their property. Indirectly, it would provide incentives for deer and related wildlife habitat.

This concept is indeed a significant change in deer management for Kansas. With that in mind, KDWP would need some time to develop a plan and solicit input from stakeholders. To nudge the process along this year, I'd suggest the Committee consider language that directs KDWP to give careful consideration for a Kansas type DMAP program. Perhaps the bill could include language such as:

The Department is hereby empowered and directed to develop a report with recommendations for a potential landowner deer management program. The report shall include recommended procedures, requirements, and guidelines that provide landowners an allotment of antlered and antlerless deer hunting permits that may be transferred by the landowner to resident and nonresident deer hunters. Such report shall be presented to the Chairperson of the Senate Natural Resources Committee and the Chairperson of the House Environment Committee on or before January 15, 2004.

I merely provide this language as a starting point. I do not want to tie the hands of KDWP, but specific language in the bill would give landowners some confidence that the state is committed to giving this concept serious thought and consideration.

In summary, we encourage this committee to move this bill forward and seriously consider our suggested amendment. I would be happy to respond to any questions or comments. Thank you.



It is difficult to achieve realistic deer management goals on small acreages. The small landowner simply does not have enough control over the deer on his property because the deer are also using adjacent lands. For DMAP to be most effective, a recommended minimum of 1,000 acres is required. Applicants may join together with adjoining landowners to meet the required minimum.

Applicants wishing to enroll lands in DMAP must submit a completed application, a legal description of the property and a non-refundable enrollment fee by May 15. All approved cooperators will be notified by August 15.

DMAP is designed to allow cooperators greater freedom to manage their deer herds and habitat. Working together through DMAP, we can help ensure quality deer hunting in the future.

If you have additional questions about DMAP or if you would like to receive an application, write or call the Oklahoma Department of Wildlife Conservation, Wildlife Division, 1801 N. Lincoln Blvd., Oklahoma City, OK, 73105, (405) 521-2739.

DMAP at a glance

Biologists assist private landowners with deer herd management

Recommended minimum of 1,000 acres

Increased harvest flexibility allows improved herd control

Antlerless permits are bonus and extra days are allowed to fill permits

Cooperators collect data on the deer harvested on DMAP properties

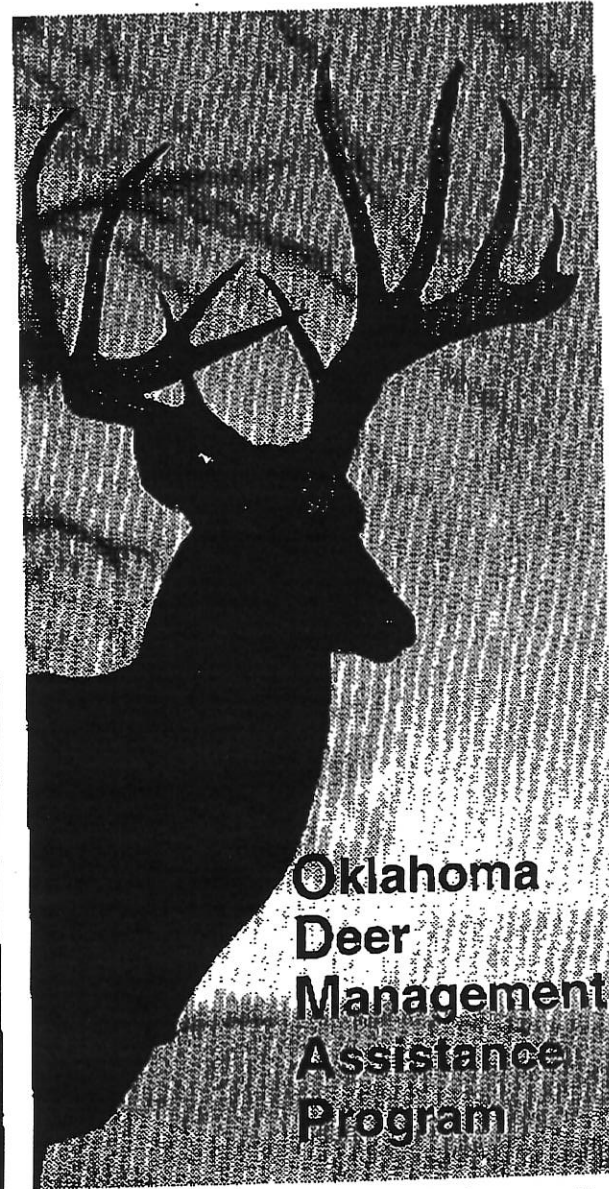
A written report from biologists is furnished to cooperators

Important Dates

Applications due by May 15

Notification of acceptance, August 15

Records and unused tags to be returned by December 31



Oklahoma Deer Management Assistance Program

Oklahoma Department of Wildlife Conservation
1801 N. Lincoln
Oklahoma City, Oklahoma 73105
(405)521-2739
www.wildlifedepartment.com

7-4

ENROLLMENT

07/12/00 09:04 FAX 405 521 0000

OKLAHOMA DEPT. OF WILDLIFE

0002



CONSERVATION

Management of Oklahoma's white-tailed deer population has undergone a dramatic evolution in the past 40 years. Early on the program emphasized restoration through a highly successful trap and transplant program. By the early 1970's the restoration was complete and the program faced a new challenge, controlling deer numbers.

The primary objective of the Department of Wildlife Conservation's deer program is to provide as much hunting opportunity as the resource will safely allow. The second goal is to manage the population within the limits of the habitat to maintain a healthy herd and minimize land-use conflicts. The key to achieving these goals is harvesting an adequate number of antlerless deer.

Although most of Oklahoma's deer herds are being managed successfully on a unit or county level, many benefits can be realized from managing smaller tracts of land. The Department has designed the Deer Management Assistance Program (DMAP) to help landowners in managing their deer herds. This program allows for some flexibility in the antlerless harvest to adjust for local population variations.

MENT WILDLIFE COMMITMENT

DMAP is a program to give cooperators (landowners, groups of landowners, hunt clubs, or lease operators) help in managing the deer herd on their land. The Department will provide the tools and information necessary to implement a more intensive form of deer management than might be possible under the statewide regulations. The success of the program will be tied to a complete understanding of the program and a commitment to making it work.

This program is a joint effort between cooperators and biologists. Cooperators collect detailed information on the deer they harvest and in return the biologists will analyze the data and furnish cooperators with facts and recommendations that are needed to make informed management decisions.

After receiving your application a wildlife biologist will contact you to arrange a visit to the property to evaluate range conditions, determine your management goals and review past years harvest data. If the biologist believes that the objectives cannot be met with current antlerless regulations, a recommended number of permits will be offered at no cost.

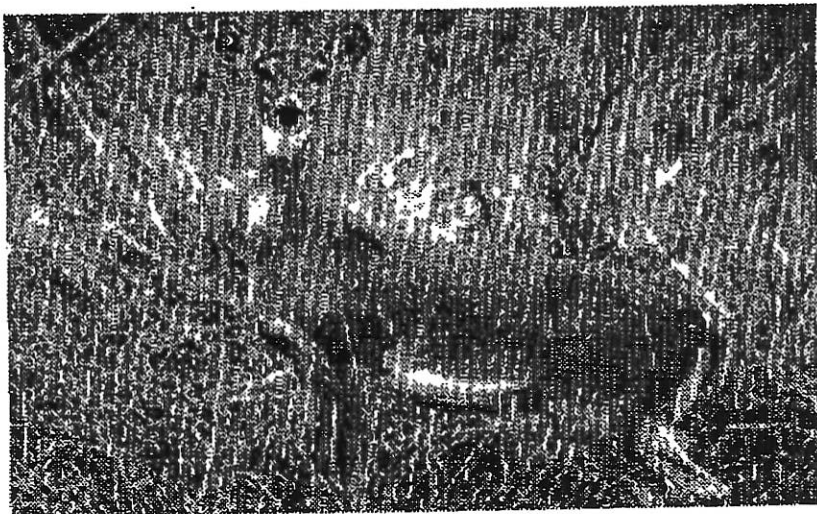
These DMAP permits can be used at any time during the primitive firearm or gun season and will also allow an additional seven days of antlerless hunting following the close of the deer gun season.

Antlerless deer taken with DMAP permits on DMAP properties are considered bonus deer and do not count towards the statewide aggregate bag limit. The increased flexibility should enable cooperators to achieve the proper antlerless harvest.

COOPERATION

Cooperators will agree to tag and maintain accurate records of all the deer harvested on DMAP properties. Unused DMAP permits will be returned to the biologist by December 31. No rebate will be made for unused tags. The assigned biologist will coordinate activities with local game wardens, ensuring they are aware of the lands that are enrolled, the number of permits issued and the name of the contact person.

The information collected upon harvesting a deer, which will include the sex, weight, antler beam measurement and the lower jaw bone of the harvested deer, is vital to understanding the characteristics of the herd. Following the close of the season, biologists will pick up the cooperators records. Failure to provide records or collect the necessary data will indicate a lack of commitment to the program and jeopardize the future of the agreement. Harvest results will be compiled from the collected data, and a written report summarizing the harvest data will be furnished to the cooperator. This report will help to make future management decisions and chart the progress of the program.



03/12/03 WED 13:56 FAX 405 521 8535 OK. DEPT. OF WILDLIFE 0003

WHITNEY B. DAMRON, P.A.
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TOPEKA, KANSAS 66612-2205
(785) 354-1354 ♦ 354-8092 (FAX)
E-MAIL: WBDAMRON@aol.com

SUBMITTED TESTIMONY

TO: The Honorable Bob Tyson, Chairman
And Members Of The
Senate Committee on Natural Resources

FROM: Whitney Damron
On Behalf Of The
Kansas Sport Hunting Association

RE: HB 2078 - Wildlife and Parks; Hunting Permits; Commercialization
Of Wildlife.

DATE: March 13, 2003

Mr. Chairman and Members of the Senate Committee on Natural Resources:

On behalf of the Kansas Sport Hunting Association, we are hereby submitting comments on an issue related to the commercialization of wildlife in our state and that subject is commercial guide fees.

The Kansas Sport Hunting Association has expressed concerns to the Kansas Department of Wildlife and Parks and directly to the Commission in regard to fee increases imposed upon licensed commercial guides and guide assistants. These fees, which were increased 500 percent (\$50 to \$250) for licensed commercial guides has had a devastating impact upon the ability of farmers and ranchers to supplement their income through hunting services, and also represents a significant increase in the cost of doing business for commercial guides.

The KSHA understands there may be a need to provide licensure and closer supervision over those who guide deer hunts, where fees to hunters can get sizeable and the need for oversight is greater. However, we do not believe it was legislative intent to dramatically increase these fees for your typical upland and migratory bird hunting guides or others providing guide services for non-deer.

*Senate Natural Resources Committee
Date: March 13, 2003
Attachment 8-1*

Senate Committee on Natural Resources
Page Two of Two
March 13, 2003

We would encourage the Committee to revisit this issue and amend K.S.A. 32-964 to exclude the requirement for a commercial guide license for those who do not provide guide services for deer hunting.

Attached to this testimony is a chronology of events as described by Keith Houghton, owner of Ringneck Ranch, the past president of the KSHA.

On behalf of the Kansas Sport Hunting Association, we thank you for your attention to these comments and would request your support when you take action on HB 2078.

If you have questions regarding this proposal, please do not hesitate to contact Whitney Damron or Robin Jennison, on behalf of the Kansas Sport Hunting Association.

Thank you.

Chronology of Commercial Guide Problems

- Early 90's KDWP Secretary Minon responsible for Kansas Commercial Guide statute. His origin and experience was from a big game state. There was little opposition in that it appeared to provide a baseline for services. In recent years the commercial guide statute and regulations have been used to impede. Staff professionals at Pratt believe that any economic development associated with our renewable wildlife resources to be repugnant.
- Mid 90's KDWP sent letters to operators stating that they were in violation of the commercial guide statutes by advertising and selling hunts in Kansas. Re: KDWP letter to Cabela's Outdoor Adventures representative Cy Angelloz.
- 1990s KDWP at Pratt required freedom of information act paperwork to receive names of Kansas licensed Commercial Controlled Shooting Areas.
- Late 90's? Substantial increased requirement of documentation and reporting from CSA's
- 2001 Leg. W&P sponsored changes to commercial guide laws and regulations.
a) Additional property access requirements for commercial guides.
b) Statute for guides to report violations. W&P enforcement staff stated that limit violation was the intent, but that is not what statute says.
c) Statutory elimination of the provisional guide category.
- Summer of 2001 ~~Reevaluation and review of guide~~ ^{guide} commercial guide regulations by W&P
1) Required March 15th as a cut off to complete guide certification.
2) The certification process was submitted at the KDWP commission meeting at El Dorado with the commission agreeing with our appeal that September 15 would be inappropriate and should run through late summer.
3) W&P staff designates a schedule that generally provides for 1 day every other month through September, in essence only allowing 2 or 3 specific days at each regional office beyond the original March 15 deadline for certification.
- Summer 2001? W&P enforcement officers advising new CSA operators that anyone other than CSA owners would have to be certified guide to act as dog handler. No notification was given to existing CSA's of a change in interpretation. KSHA members took the initiative and demonstrated that the 15-year-old commercial guide statutes were not applicable to controlled shooting areas, which have been on the books for over 50 years. As a result W&P adopted a liberal perspective to the traditional operating parameters of Kansas CSAs
- December 2001 ^{AKW} KDWP announced that commercial guide fees would be increased the full limit of new statutory range---commercial license increase of 500% and associate license increase of 400%. Guide fees were the only category increased to the statutory limits.
- January 2002 KSHA addresses KDWP commission at the Topeka meeting about significant impediments that have been created.
- January KSHA leadership met with Secretary Hayden who asked us to provide a letter prioritizing problems.

- 3-10-02 Letter to Secretary Hayden
- Date ?? KDWP Commission Meeting at Norton—KSHA stated that the increased guide licensing fees on species other than deer were a deterrent to being able to provide services that require guide license. Adjustments have been made on fishing guides, but Wildlife & Parks staff continue to be resistant to modify commercial hunting guides fees due to concerns with nonresident guides that may mount a legal challenge via interstate commerce, as to the cost of a work permit.
- Date ?? KSHA leadership met with Pratt W&P staff to discuss problems and explain that our membership works to provide hunting opportunities that complimented the departments efforts. (Please read: Hunting for a Future in Kansas)
- February 2003 KSHA is participating in the legislative process to allow our members the opportunity for economic development of our renewable wildlife resources. Our challenge is to stop and reduce unjustified and unproductive impediments in providing hunting services.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
1020 S Kansas Ave., Room 200
Topeka, KS 66612-1327
Phone: (785) 296-2281 FAX: (785) 296-6953



HOUSE BILL 2078
Testimony provided to
Senate Committee on Natural Resources
March 13, 2003

The Department Supports

1. Gradual increase in the percentage of nonresident permits available.

Current statutory limits for nonresident permits are set at 10% of the total firearms permits sold, and 15% of archery permits. The department proposed a 2% annual increase in each category, with a cap at 20% for firearms and 25% for archery.

This proposal provides for planned growth and offers greater management flexibility and budget planning without addressing the legislation on an annual or irregular basis. Since the limitations provided by statute are maximums, it provides the Wildlife and Parks Commission the discretion to adopt reduced percentage allocations, should deer management require such action.

2. Raise the statutory caps on the price deer game tags and nonresident application fees.

The Department recommended splitting resident and nonresident pricing for big game tags with statutory caps at the \$20 range for residents and \$40 for nonresidents. Through later Commission regulatory action, the department will leave resident pricing at the current level of \$10 and raise nonresident price levels to \$20.

The Working Group also recommended raising the statutory cap on nonresident applications to \$25. The increase in the statutory caps would allow greater flexibility for the Commission in setting future pricing for big game tags, and application fees, should permit pricing also increase.

3. Increase the value of a deer taken for commercial purposes to assist in law enforcement operations.

This recommendation of the Working Group focuses on the illegal commercialization of deer. Current statute places the minimum value of deer at \$200. The federal guidelines for felony commercialization of wildlife are set at \$350. By raising the commercial value of deer, the state will have increased flexibility in prosecuting violators who take deer for illegal commercial purposes, or illegally import or export deer for profit.

Senate Natural Resources Committee
Date: March 13, 2003
Attachment 9-1

Requested Amendments

1. Remove the provision that allows unlimited transferable archery permits.

The provision will greatly increase the nonresident harvest of mule deer and whitetail bucks, while further complicating the department's ability to control deer numbers. For example, 97-percent of successful nonresident archery hunters harvest bucks.

The attraction for people to come to Kansas to hunt deer occurs because of the quality of the deer herd. That quality will soon disappear if nonresidents are allowed unlimited access to permits.

Allowing nonresident archers to take an unlimited number of mule deer will decrease opportunities for Kansas residents to take that species of deer. Depending on the number of Hunt-Own-Land transferrable permits issued, the department may be forced to lower the number of available resident mule deer permits. It is conceivable that nonresidents would harvest more mule deer than residents in the near future.

2. Tie the transferable permit to a county in which the applicant qualifies.

While the department did initially suggest that transferable permits should only be valid on lands owned, leased, or controlled for big game hunting purposes, the agency has come to realize that this provision is simply unenforceable.

The department would rather restrict the use of these transferrable permits to a county where the applicant qualifies. This amendment would still help ensure that the landowner is receiving the benefit of the permit, and allow the department to enforce the provision without the complicated task of checking legal descriptions of property and written lease agreements.

3. Set the sunset provision of the transferrable permits to June 30, 2008.

This would allow the department and resident landowners ample time to examine the relative merits of the system. Revisiting this legislation on an annual basis does not appear to contribute to policy supported by sound data of its effects.

4. Change the effective date to January 1, 2004.

There is simply not enough time to implement these changes for the upcoming deer season (nonresident applications are due on May 31, 2003). Pushing back the effective date will allow the department to educate all hunters of the new statute, and will allow the Wildlife and Parks Commission to pass the appropriate regulations to administer the new provisions.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
1020 S Kansas Ave., Room 200
Topeka, KS 66612-1327
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HB 2078
Amendments Requested
13 March 2003

The Department respectfully requests the following amendments to HB 2078:

Section 1, Page 3, lines 4-15 be stricken:

~~[(i) The secretary shall authorize, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, special landowner or tenant hunt on your own land deer archery permits. Such special archery permits shall not be issued to landowners or tenants in possession of a hunt on your own land deer permit as authorized in subsection (g) or (h). The special archery permits shall be transferable to any resident or nonresident through the secretary at the request of the landowner or tenant and by paying a permit fee of \$200. The special archery permits and applications may contain provisions and restrictions as prescribed by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto.]~~

Section 1, Page 5, lines 5-6 be amended, lines 11-14, striking the whole sentence, line 16 be amended:

(o) [(p)] The secretary shall issue nonresident deer permits pursuant to subsection (m) [(n)] to landowners and tenants applying for such permits, except that the total number of nonresident deer permits of each type specified by rules and regulations that may be issued to landowners and tenants for a deer season in a management unit shall not exceed 50% of the total number of nonresident deer permits of such a type authorized for such season in such management unit. A nonresident deer permit obtained by a landowner or tenant shall retain the permit's original *nonresident and species* designation, except that such permit shall ~~only be valid upon the qualifying landowner or tenant's land and lands controlled by the landowner or tenant for big game hunting purposes~~ within a designated county where the qualifying landowner or tenant's lands are located. ~~The permit shall be transferable, with or without consideration, to any resident or nonresident through the secretary at the request of the landowner or tenant. A landowner or tenant purchasing a nonresident deer permit pursuant to this subsection shall pay the established fee for a nonresident deer permit. For purposes of this subsection, "controlled by the landowner or tenant for big game hunting purposes" means lands controlled by the landowner or tenant for big game hunting as evidenced through written agreement.~~

The provisions of this subsection shall expire on June 30, 2004 ~~2008~~
~~2005~~ 2008.

Section 5, Page 9, lines 16-17 be amended:

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book January 1, 2004.

Senate Natural Resources Committee
Date: March 13, 2003
Attachment 10



KANSAS WILDLIFE
FEDERATION

The voice of outdoor Kansas

Senators:

My name is Steven Sorensen. I am the Conservation Vice President of the Kansas Wildlife Federation, a statewide conservation organization with 2,000 members and representing approximately 10,000 associates of the National Wildlife Federation in Kansas.

At our Annual Meeting in Manhattan last month, our members adopted the attached resolution concerning deer management in Kansas. We are concerned that HB 2078 will have a long-term negative impact on resident hunters, both deer and upland game. We are especially concerned how HB 2078 will impact our young hunters and the capability to recruit new hunters in the future. Without new hunters entering our sport, financial support for wildlife conservation will diminish, impacting the Kansas Department of Wildlife and Parks' ability to accomplish their mission.

I served as the Federation representative on the Deer Management Working Group (DMWG). It has been stated that HB 2078 represents the recommendations of that group. There are several instances where that is not accurate. For your background information, I have included a copy of the DMWG's final report to KDWP.

One item that has consistently been overlooked has been the public's comments to the DMWG concerning deer management in Kansas. Of those individuals providing written comments regarding deer issues, 52% were concerned about commercialization of the deer resource and the impact it was having on resident hunters. Twice as many people responded that we have too few deer as did those who said we have too many deer. Approximately 23% suggested we abolish transferable permits or restrict them to lands used to purchase the permit.

Senate Natural Resources Committee
Date: March 13, 2003
Attachment 11-1

H.B. 2078 will change the definition of "controlled" from the current definition as controlled "for agriculture purposes" to controlled "for big game hunting purposes". The DMWG did not request a change in the definition of controlled. We considered several options under this issue area but could not resolve a consensus, as noted on page 4. **KWF recommends that you strike the words "for big game hunting purposes" on page 5, line 6 in the House passed version of HB 2078 and the definition of "controlled for big game hunting purposes" on page 5, lines 11 thru 14.**

An amendment was added to HB 2078 on the floor of the House that would authorize the KDWP to issue "special landowner or tenant hunt-on-your-own-land deer archery permits". With over 70,000 farm units in Kansas, the issuance of this many permits can have a significant impact on our deer resources. It would also require KDWP to drastically reduce the number of deer permits to resident deer hunters to compensate for the increase in harvest by non-residents. This **KWF strongly recommends that you eliminate this aspect of HB 2078 by striking lines 4 thru 15 on page 3.**

HB 2078 calls for an increase in the percentage of the upper limit on non-resident firearms and archery deer permits. Currently non-resident permit numbers are not to exceed 10% of resident firearms permits for each Deer Management Unit and 15% of statewide archery permits. This is not a recommendation of the DMWG. The group did recommend that KDWP assign a DMU by the zip code of the purchaser of resident HOL permits and those numbers be included to calculate non-resident permit numbers. This would increase the number of non-resident permits available by approximately 1,500 each year. **KWF strongly opposes this increase in the permit cap and recommends you strike the new wording in lines 3 thru 7 and lines 13 thru 17 on page 4.**

Kansas's landowners will be one of the losers in any program that destabilizes and decentralizes the current deer management system, which HB 2078 will do. The key issue that attracts nonresidents to come to Kansas and lay down \$850 for a landowner transferable permit, and over \$5,000 for access and guide is that our deer herd is unique. It is unique because KDWP has maintained statewide authority and oversight on the level of hunter entry in relation to the deer population and its characteristics.

The corn, soybeans, alfalfa, etc. that are grown on private lands in Missouri and Nebraska are the same as the crops in Kansas. Landowners in Missouri and Nebraska are having as difficult a farm economy and would like to capitalize on the nonresident hunting opportunities just as much as the landowners in Kansas. Both Missouri and Nebraska allow unlimited nonresident archery. Both states have deer permits that are lower in price than the permits in Kansas. And yet, both states have fewer nonresident archery deer hunters than Kansas currently has with our limited entry system.

Kansas's landowners will be no more successful than the landowners in Missouri and Nebraska at creating a herd of deer on their property that has the characteristics that attracts and holds hunter interest. If management of the deer herd in Kansas is destabilized and decentralized, the potential clients of the Kansas landowners that are currently willing stand in line to come to Kansas will in a few years be standing in some other line because of their experiences here. There is not an unlimited quantity or unshakeable quality to the deer herd in Kansas. It can easily be overexploited. The quality characteristics can easily be distorted. One only needs to examine the record from the last century to see how vulnerable the herd is in habitats of the Great Plains.

Kansas's landowners should be standing in support of KDWP as the management authority. Gathering the data that can be used to manage a deer herd is not easy or inexpensive. Kansas's landowners have KDWP to do that for them. Protecting the value of the herd and enforcing the rules and regulations that ensure that protection is also not easy or inexpensive. Again, Kansas's landowners have KDWP to do that for them. What an individual landowner loses in immediate opportunities to capitalize on the value of the herd is offset by the long term stability that came be maintained, but possibly never recreated again.

KWF's resolution and the DMWG recommendations call for an increase in the value of wildlife illegally taken in Kansas. At present the figures are far too low to deter illegal killing of trophy deer and other wildlife. Illegal killing of trophy deer has become an epidemic in recent years. While HB 2078 raises the value of some wildlife, it does not go far enough to provide a sufficient deterrent to poaching.

The DMWG discussed raising fees across the board for deer hunting. The only item we could find a consensus was to create a nonresident big game tag at a price of \$30. HB 2078 accomplishes that. But it also raises the limit on resident big game tags to \$20, which the DMWG could not find a consensus. **KWF recommends that the price of resident big game tags be returned to \$10, on line 10 of page 6.**

We urge you to make the recommended changes in HB 2078 before sending it to the full Senate for consideration. If these changes cannot be incorporated, we suggest that the bill be tabled and sent to an Interim Committee for further study. This issue is far too complicated and contentious in its long-term effects on our deer resource and resident hunters.

Thank you for your consideration.

Steve Sorensen
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Kansas Wildlife Federation

2003 Resolution

SUPPORT FOR SOUND DEER MANAGEMENT IN KANSAS

Whereas, the deer population in Kansas has been reduced significantly in most areas of the state in the past few years with increased resident permits, emphasis on antlerless deer harvest, a special January deer season, and allowing non-resident deer hunting since 1994; and

Whereas, many resident deer hunters and landowners are concerned by this significant reduction in deer numbers and impacted by the decreased quality of their deer hunting experience; and

Whereas, the increase in nonresident deer permits and the increased interest in trophy deer hunting in Kansas has led to many acres of private land being leased for deer hunting; and

Whereas, the resident deer hunters and the young generation of Kansas deer hunters are increasingly finding access to private land limited by leasing and high trespass or trophy fees; and

Whereas, there are still some groups in Kansas that want to increase non-resident permit numbers including the Secretary of Wildlife and Parks; and

Whereas, the Kansas Legislature has been increasingly involved in Kansas deer management by authorizing non-resident transferable landowner permits; and

Whereas, non-resident transferable landowner permit use should be restricted to lands owned and operated by the applicant for agriculture purposes, as currently stipulated by law;

Whereas, the Kansas Legislature has been unwilling to allow the Department of Wildlife and Parks (who has the biological and scientific staff) to manage for a quality deer herd even though they are charged with this responsibility; and

Whereas, deer hunting in Kansas has become commercialized and because of that we are diminishing our respect for the animal itself and we are diminishing our self respect as hunters; and

Whereas, a trophy deer should not be something that you buy – it should be something that you earn; and

Whereas, our youngsters and their youngsters may never have the opportunity to harvest a trophy of their dreams – whether it be a magnificent buck, a small buck, or even a doe -if we continue to privatize deer management in Kansas;

NOW, THEREFORE BE IT RESOLVED that the Kansas Wildlife Federation assembled during its annual meeting, February 15, 2003 in Manhattan, Kansas, urges the Kansas Legislature allow the Kansas Department of Wildlife and Parks do their task of quality deer management in Kansas; and

BE IT FURTHER RESOLVED that the KWF urges the Kansas Department of Wildlife and Parks hold non-resident deer permit numbers at or below 2002 levels and allow the non-resident transferable deer permits to end when that law sunsets in 2004; and

BE IT FURTHER RESOLVED that the Kansas Department of Wildlife and Parks manage deer with the maximum quality of the deer herd and with the resident/young deer hunters of Kansas in mind; and

BE IT FURTHER RESOLVED that the Kansas Wildlife Federation provide this resolution to the Governor of the State of Kansas, the Chairperson of the House Environment Committee, the Chairperson of the Senate Committee on Natural Resources and the Secretary of the Kansas Department of Wildlife and Parks.

FINAL REPORT
KANSAS DEER MANAGEMENT WORK GROUP

Prepared by:
Spencer Amend
Dynamic Solutions Group LLC
Rocky Mountain Regional Office
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Casper, WY 82604-1855
307-262-1420
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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

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

March 13, 2003

**Statement of Ron Klataske
To the Senate Natural Resources Committee
Regarding Requests for Improvement
of House Bill 2078**

My name is Ron Klataske and I am here to share suggestions for improvement of H.B. 2078 on behalf of the leadership of Audubon of Kansas, a 7,000 member statewide wildlife conservation organization, and to provide added insight as an ardent sportsman/conservationists and ranch/farm landowner. I received a B.S. degree in wildlife biology from KSU in 1966 and a Master of Science in wildlife management from the University of Maine in 1968. My thesis research was devoted to white-tailed deer on a coastal island.



We greatly appreciate the commitment of the committee to craft appropriate legislation that will serve the interests of Kansas sportsmen and women; support landowners (especially farm and ranch families) who strive to protect, enhance and reestablish wildlife habitat on their land; and make it possible for the State of Kansas and appropriate entities within the state to benefit from a reasonable level of nonresident deer permit sales, and associated services.

We are recommending two changes in the bill. Both will clarify and substantially improve H.B. 2078. Both requests are consistent with the views expressed by leaders of most of the mainstream wildlife conservation organizations in Kansas, including the Kansas Wildlife Federation, The Wildlife Society, the Wild Turkey Federation and Quail Unlimited.

*Senate Natural Resources Committee
Date: March 13, 2003
Attachment 12-1*

(1) THERE IS A NEED TO INCREASE THE VALUE OF WILDLIFE IN THE BILL AS AN EFFECTIVE WAY FOR THE LEGISLATURE TO PROJECT SUPPORT FOR LAW ENFORCEMENT OFFICIALS IN THEIR EFFORTS TO DIMINISH ILLEGAL KILLING AND TAKING OF WILDLIFE.

There seems to be an epidemic of illegal deer killing in Kansas. I photograph deer in the fall prior to the rifle season and the photo on the front page is one of several magnificent bucks that I photographed last fall. It appears that all except one were killed illegally. A neighbor found five carcasses, and we found three on our properties (including the one pictured). In another county, pheasant hunters found nine in one weekend, and the list goes on and on.



Illegal activity (including extensive illegal poaching at night) could conceivably result in the killing of 10,000 deer in Kansas. That is assuming that only 100 are killed in this manner in each county. Many of these deer are shot solely for their heads and/or antlers. Heads and antlers are sold on e-Bay and via the "open" or black market. Once they are in possession and removed from the field it is difficult to prove that the deer were taken illegally.

Illegal kill of deer represents a loss to all stakeholders in Kansas. Illegal activities often deny landowners and ethical hunters (both resident and nonresident) the opportunity to pursue and harvest the biggest and the best of our state's deer. These deer are lost from the gene pool, often before the breeding season. Illegal killing of deer is even a threat to the sport of hunting because it turns landowners and the public against all hunting activity. Some close their land. Illegally killed deer (and other wildlife) erode funding for KDWP programs, and reduce expenditures in related Kansas hunting, travel and tourism

businesses by both residents and nonresidents.

Because some poachers consider the prospect of financial rewards worth the risk of a slap on the wrist, they are not deterred by the minimal "values" established by statute and the potential fines that are imposed. In some instances the prospective fines are less than the cost of a \$205 nonresident permit.

The need for adequate statutory deterrents extends to other wildlife species, as well. Starting on page 8, line 16, our recommendations for updating the minimum value established by for wildlife are as follows:

- (1) Eagles, \$2,500**
- (2) Antlerless deer, \$400**
- (3) Antlered white-tailed or mule deer, \$ 1,000 as a baseline, with typical white-tailed deer that score 125 or more points, non-typical white-tailed deer that score 155 or more points, typical mule deer that score 145 or more points, or non-typical mule deer that score more than 170 points, using the established Pope and Young Club and the Boone and Crocket Club scoring system, each valued at \$20 per point for each point scored;**
- (4) Pronghorn antelope, \$1,000**
- (5) Elk or bison, \$1,000, with antlered elk that score 260 or more points valued at \$20 per points using the established Pope and Young Club and the Boone and Crocket Club scoring system;**
- (6) Furbearing animals, \$50**
- (7) Wild Turkey, \$75**
- (8) Owls, hawks, kites, or harriers, \$ 200**
- (9) Falcons or ospreys, \$1,000**
- (10) Game birds, migratory game birds, resident and migratory non-game birds, game animals and nongame animals, \$50 unless a higher amount is specified above**
- (11) Fish.....(USE SAME INFORMATION);**
- (12) Turtles, \$50 each for box turtles, \$10 each for each unprocessed turtle of another species or \$18 per pound or fraction of a pound for processed turtle parts;**
- (13) bullfrogs, \$5, whether dressed or not dressed;**
- (14) any wildlife classified as threatened or endangered, \$500 unless a higher amount is specified above; and**

The values listed above for antlered deer are reasonably reflective of the types of figures that a poacher might strive to obtain for illegally killed trophies. This may serve as a much better law enforcement deterrent than the previously established or figures suggested in the bill. It is a way for the Legislature to send a message that Kansas values its wildlife and wants to reserve quality wildlife resources for the benefit of legal and ethical hunters, landowners, wildlife enthusiasts, outfitters and other stakeholders. If someone illegally killed the largest whitetail on record, scored at 213, the value established by this system would be \$4,260 (still a modest sum by standards of the black market, but enough to cause many prospective poachers to reflect on the potential consequences).

(2) WE RECOMMEND CHANGE IN THE LANGUAGE OF THE BILL FROM "FOR BIG GAME HUNTING PURPOSES" TO " FOR AGRICULTURAL PURPOSES".

Maintaining a constituency of resident hunters, anglers and others interested in wildlife conservation is important for the State of Kansas, especially KDWP. It also benefits all who are directly or indirectly involved in the economic and quality of life aspects of resource conservation and use. As a state that is 97 percent private land, we need to structure programs that are most complementary to both the "public interest" and that of landowners and tenants (especially farm and ranch families) who provide recreational opportunities.

We believe that one of the most important changes that needs to be made to H.B. 2078 is to strike the phrase following the word controlled "**for big game hunting purposes**" and replace that with "**for agricultural purposes**". This language occurs on page 5, line 6 and 12. The change in language that we are recommending would reward landowners and tenants who maintain or improve good habitat for deer--and other wildlife. **That should be our primary objective.**

If the landowner/tenant listed the land (by legal description) that was available to the person who purchased the permit from him/her, law enforcement would not be a burden. The PRIVILEGE of having the opportunity to sell transferable permits, or to give them to friends or relatives as my wife and I have done, should be worth the minor inconvenience of listing one's property where the hunting will occur. As farm and ranch operators we do it all the time. Listing the property by range, township and section was previously a requirement of Hunt-Own-Land permits.

This also addressed the obstacle that would be created by going to a county basis for transferable permits. For ranch and farm families like myself, many other people, maybe even members of this committee, it is better that the permits be tied to the land because farm and ranch properties are often split between two or more counties. Please keep the focus on landowners and tenants.

If enacted in its present form, or even with the change to make transferrable permits on a county by county basis, the brokering of permits will accelerate the initiative by exclusive hunting clubs and outfitters to lease vast acreages of the best hunting areas within various counties and parts of the state. An individual ranch or farm landowner isn't as likely to do that in anything resembling the 10,000 to 30,000 acre blocks that some clubs or outfitters strive to lock up.

Although an earlier suggestion was made that "400,000 acres of leased land would be less than 10 percent of the state," please keep in mind that this may soon include much of the best in the state. Although Kansas has 52 million acres, the vast majority is cultivated. There are many townships in central and western Kansas that have landscapes that are 95 percent cultivated. Many other landscapes are increasingly fragmented by "urban sprawl" and rural residential development surrounding metropolitan areas.

This change would remove part of the incentive for an "outfitter" to lease up tens of thousands of acres at as little as \$1 per acre in order to take a half dozen nonresident hunters to that property. Leases are exclusive, and in spite of the assurance to the contrary, they are not generally limited to the privilege of deer hunting. An outfitter who has a client paying \$2,500 does not want a bird or rabbit hunter walking through the same section of land during the archery, rifle or muzzleloader seasons (from Sept. 14 to December 31, or maybe even thru Jan. 12, the special antlerless season). Guides are increasingly using bait stations (a legal practice of questionable ethics) to attract deer to and hold them on their leased land, and they do not want anyone disturbing the deer by hunting other species, hiking or enjoying other outdoor recreational activities on the same property during the fall--or even in the spring if they include turkey hunting in the lease.

The suggested change in the bill that we are suggesting diminishes the impact of “speculators” who just want to cash in on the current transferable permit scalping system by selling nonresident permits to individuals who then have to hunt on someone else’s property (within the “unit, state or county”). It makes no sense for someone with 80 acres located miles from the nearest wooded draw or grassland habitat to have as much chance to draw a permit as ranchers like Mark Lohrding who testified before the House Committee on Tourism and Parks. He indicated they have 150 deer on their 7,000 ranch north of Coldwater.

Landowners with the best habitat will have the best opportunity to successfully offer and sell transferable permits. Other landowners who have marginal habitat with some hunting opportunity, will have an equal opportunity to obtain a permit and they may want to use those to offer a friend or relative a special opportunity to hunt deer on land they own or operate for agricultural purposes. This is a good way to go, and they (along with landowners who sell one or two nonresident hunts on their land) are not likely to close down all hunting and other outdoor recreational opportunities on large expanses of land as an “outfitter” may be motivated to do.

Of equal note, **the above change in language would not put guides or outfitters out of business.** In fact, they would still offer their services to the nonresidents who will obtain 50 percent of the the permits via the direct application process, and with this bill that number will increase, **and even double.**

We thank you for your consideration of our requests and suggestions.

Ron Klataske
Executive Director
Audubon of Kansas
210 Southwind Place
Manhattan KS 66503
aok@audubonofkansas.org
785-537-4385

TO: Senate Committee on Natural Resources

RE: House Bill #2078

My name is Stacy Hoeme. I am a land owner in Western Kansas. My family operates a farm, ranch and custom cattle feed yard, which includes 28,785 acres, located in Scott, Gove and Wichita Counties.

I oppose the amendment on House Bill #2078. I am concerned with the deer management aspect of this bill. It does not distinguish between mule deer or whitetail deer; doe or buck. By making the "Hunt-on-your-own land" deer permit transferable, the number of mule deer in Western Kansas will greatly **decrease**, and problems such as trespassing, property damage, and poaching will **increase**. These problems have already been more significant over the past three years on our property. We have property that I have never seen a deer on, and thousands of acres that I haven't seen one in the last year. Out of our 28,785 acres, we have only taken one mule deer buck in the last year. All of these acres would qualify for the HOYOL tags. On these acres I could get control of 15-20 HOYOL tags. We don't have this quantity or quality of deer!

The archery tag concerns me in that people don't think that bow hunters are very successful in our state. However, bow hunters have around 35% success rate, with non-residents averaging even more. This rate is higher than rifle hunters in some other states.

I am here today, not only for myself, but for my family, friends, and especially my children. It's not just hunting deer, but trying to maintain them at viable numbers. The numbers have already decreased in the western part of the state. I have always thought of myself as a hunter first, but over the last few years I have been learning about conservation and that we need to protect and preserve what we have. There has to be management of this great resource, we have to, maintain it for the future: **FOR OUR CHILDREN, AND THEIR CHILDREN.**

Respectfully Submitted,

Stacy Hoeme
P.O. Box 196
Soctt City, KS 67871

Senate Natural Resources
Committee
Date: March 13, 2003
Attachment 13

Kansas Chapter of The Wildlife Society
Position on HB 2078
Related to Transferable Nonresident Deer Permits

Senate Committee Members
Senate Natural Resources Committee
Kansas Senate

March 11, 2003

Dear Committee Members,

The Kansas Chapter of the Wildlife Society is concerned with the original language of House Bill No. 2078 pertaining to transferable nonresident deer permits. The Chapter is an organization of professional wildlife managers, biologists, and educators with interest in the conservation and biologically wise stewardship and use of the wildlife resources in Kansas.

The Chapter recommends striking the phrase "for big game hunting purposes" and replacing with "for agricultural purposes", on page 4, lines 34 and 40. An original intent of the transferable permit was to provide a source of income for landowners. Providing for the use of transferable permits on lands leased specifically for big game hunting would allow for increased competition from guides and outfitters for the permits. It is currently difficult for many landowners, even with good deer habitat on their land, to obtain a nonresident transferable permit due to the competition. Having the permit valid only on lands controlled for agricultural purposes will increase the likelihood that the producers who "support" the deer will get the permits, encourage landowners to manage habitat on their land, and serve to keep transferable nonresident permit revenues with the landowners/farm tenants.

The Chapter also recommends eliminating the Section (i) amendment authorizing an unlimited number of special hunt-own-land transferable archery permits. This amendment will erode the State's ability to manage harvest and further promote lease hunting. Current herd management includes involving the general public, including some nonresidents, to harvest antlerless deer. Benefits of this include reductions in vehicle/deer collisions and crop damage. Participation by the general hunting public with access to private land is an important wildlife management tool needed to manage the herd. Encouragement of lease hunting on a large scale will benefit only a few hunters and outfitters at the expense of the many Kansas hunters and landowners. This change in hunter demographics will be detrimental to all aspects of sport hunting and wildlife management in Kansas.

The Chapter recognizes the benefits that transferable nonresident deer permits can provide to Kansas landowners, the State's economy, and in raising landowners awareness and desire to enhance wildlife habitat on their lands. However, the transferable permits should complement wise stewardship of the natural resource. Therefore, the influence of large-scale lease hunting and its impacts on hunting by the general public should be known before promoting further lease hunting in Kansas. Without the changes recommended above, HB 2078 should be referred to an interim study committee to determine those impacts.

Thank you for your consideration of our requests. If you have questions or require our diverse professional resources, please feel free to contact me (785) 733-2829, or e-mail me at haines@kans.com.

Dan Haines
Secretary/Treasurer
Kansas Chapter of The Wildlife Society

Senate Natural Resources Committee
Date: March 13, 2003
Attachment 14

SENATE COMMITTEE ON NATURAL RESOURCES

OPPONENT TO HOUSE BILL 2078

**KANSAS OUTFITTERS ASSOCIATION
KEATON KELSO, REPRESENTING
316-772-0854
kkelso@southwind.net**

PROFESSIONAL GUIDES/OUTFITTERS FINANCIAL IMPACT ON STATE OF KANSAS

2000 Commercial Guide Summary – Kansas Wildlife and Parks

- 272 Guides Reported
- 3,645 Individual Tourists
 - 2,881 Hunting
 - 764 Fishing
 - 73% Non-residents
- 6,289 Individuals Hunting on Controlled Shooting Areas

2000 Tourism Statistics – Kansas Department of Travel and Tourism

- Per Day Average Spent Traveling in Kansas \$362.00
 - Average Party Size 2.68 Individuals
 - Average Stay 3.3 Nights
- *** Calculated Single Individual Staying 3 Days and Nights equals \$445.50 ***

Financial Impact Calculated

- | | |
|---|--------------|
| ➤ 9,934 total hunters spent an average of \$445.50 each | 4,425,597.00 |
| ➤ 2,660 Non-Resident Licenses @ \$65.50 | 174,230.00 |
| ➤ 6,289 Controlled Shooting Area Licenses @ \$13.50 | 84,901.50 |

Total Kansas Tourism & Wildlife and Parks Impact 4,684,728.50

Economic Business Impact: (Guides Only)

- | | |
|--|--------------|
| ➤ 9,934 Hunters | |
| ➤ Average Three Day Hunt or Stay (Using Tourism Statistic) | |
| ➤ Average Cost Per Day of Hunting or Fishing Trip \$250.00 | 7,450,500.00 |

ESTIMATED FINANCIAL IMPACT FROM GUIDES/OUTFITTERS FOR THE STATE OF KANSAS

12,135,228.00 Senate Natural Resources Committee
Date: March 13, 2003
Attachment 15

Dear Committee Members:

The Kansas Outfitters Association unanimously voted to support the original House bill 2078 on March 1, 2003.

The association is in opposition of the proposed amendment that was added to the original bill detailed in section 7, paragraph (i). This amendment opens the doors for an unmanageable deer harvest. This amendment would offer a relatively unlimited number of archery tags for Kansas.

As an association of Kansas business owners, we are dependent on a viable and healthy deer herd. Without it, our businesses are extremely in jeopardy. This amendment could devastate an increasingly declining mature deer herd. We can not open the flood gates to unlimited harvesting of our resources.

The association would like to have this committee strike the amendment and have the bill pass as written and proposed by the Kansas Wildlife and Parks and recommended by the Deer Management Team.

In conclusion, the Kansas Outfitters Association would like to support the original bill proposed to the House Tourism and Parks committee, but with the addition of a non controllable amendment, we oppose the bill as it currently reads.

Testimony from the Kansas Chapters of the National Wild Turkey Federation
in Opposition to
HB 2078
by
Spencer Tomb

Good morning Mr. Chairman and members of the Committee. My name is Spencer Tomb. I am from Manhattan and I serve as a board member of the state board of directors of the National Wild Turkey Federation (NWTF). The NWTF has approximately 2,300 Kansas members that are distributed in 30 chapters across the state. There are almost 500,000 members of the NWTF in North America. Our Kansas Chapters annually fund \$80,000 worth of habitat conservation projects, wild turkey research and youth education in the state. We also are one of the only conservation organizations in the USA that openly works to protect the hunting heritage in North America.

We consider HB 2078 a major challenge to the hunting heritage in Kansas. We think this bill will accelerate leasing of land for deer hunting that will result in the displacement of large numbers of general resident deer hunters, a decline of hunting license sales and most importantly a decrease in the families who hunt. This bill will take Kansas a large step closer to a Texas-style system of leasing where only the landowners and the wealthy hunt.

We think that this bill does not reflect the most often uttered public comment that was gathered by the Deer Management Working Group (DMWG) which was to get rid of the transferable permits. We do not think that this bill is restrictive enough. We think that transferable permits should be used on the same land on which the application was based and that the definition of controlled in the bill is far too broad.

We have visited with Secretary Hayden and strongly agree that the Hayzlett amendment added on the House floor should be deleted for the same reasons given by the Secretary. We consider his proposal to restrict the permits to the entire county where they originate as more enforceable, but too weak. If this is considered, restrictions should also be imposed that prohibit the use of transferable permits on WIHA or public lands.

We think that this bill does not address the serious problems of permit brokering and scalping that gives the landowners peanuts while the big bucks go to the broker. The bill has a laudable goal of putting money in the hands of landowners, but in practice much of this money is not getting to landowners. We think that the Legislature and the KDWP should find a way stop that.

If this bill is passed we think that the average resident hunter loses and in the long run we all lose as it will become difficult to the control of the deer herd when the 74,000 deer hunters in the resident category are displaced from the prime habitats that have been leased. We ask that you let the bill die in the committee or refer it to an interim committee. If you are inclined to work the bill we ask that the permits be tied to specific land and the definition of controlled be changed to controlled for ag purposes.

Thank you.

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Will Carpenter
Wildlife and Parks Commissioner
Testimony on HB 2078
March 13, 2003

Thank you for the opportunity to testify on HB 2078. We have one of the finest deer herds in the nation. It took 40 years of careful sometimes restrictive permitting to develop this herd to the level we now enjoy. Many trained and qualified deer professionals within the department worked very hard to get us to the place we are now, and now we aren't listening to their advice and taking advantage of their expertise.

Few people ask if the resource can sustain the additional pressure on the trophy deer herd. Is it worth it for the short-term gain? What about long term sustainable economic stability in our deer herd? If Kansas is going to successfully balance the pressure on the herd between resident and nonresident hunting, we need to listen to the professional biologists that have gotten us this far.

My friend and fellow hunter Rob Keck, who is the CEO of the National Wild Turkey Federation said during a conversation we had last fall while deer hunting in Greenwood County, we need to do whatever it takes to maintain the high quality of our deer herd. Even if it means he could hunt less often. He went on to say that when he comes to Kansas, it is a trip of a lifetime because of the quality of our deer.

I talk to non-resident deer hunters all the time that call for information about hunting deer in our state. The one thing they all agree on is that they wouldn't be coming to Kansas if it were not for the quality of our deer herd.

I strongly urge you to remove the amendment added to HB 2078 because it does not allow for the best management of our deer herd. Further more, I urge all of you when making decisions on deer and deer hunting in our state to think about what it takes to sustain the viability of the deer herd.

The ultimate goal is to protect and sustain the resource of the Kansas deer herd for the future of all Kansans and those we welcome into our State to harvest deer. Without this great resource, we wouldn't be having this discussion. I'd like my son to be able hunt the same quality deer that I hunt. I believe HB 2078, which was a result of the Deer Management Working Group, goes far to resolve issues we are struggling with now concerning deer management.

Thank you for your time.

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Attachment 17

Comments Regarding HB-2078 to Senate Committee on Natural Resources.

March 13, 2003

Leland M. Queal
1004 West Ninth
Pratt, KS 67124

620-672-6100
lqueal@prattusa.com

My name is Leland Queal; I am a retired wildlife biologist and I live in Pratt. I have worked for the former Kansas Fish and Game Commission, Michigan Department of Conservation and Ducks Unlimited. I belong to several conservation organizations, although I don't hold an office in any of them. Although retired, I still work part-time in the wildlife profession. I sincerely appreciate the opportunity to appear before the Senate Natural Resources Committee.

I have been involved in deer management, one way or another, since 1963. I was first hired that year by the Kansas Forestry, Fish and Game Commission to develop a management framework for hunting deer in the state. At that time Kansas was the only state that did not have a deer season. The population was expanding and a system to provide for regulated harvest and management was devised and implemented in 1965. In future years, I was involved in the administration of the system that was considered to be one of the best in the nation. The proof was in the quality of the deer herd. Since leaving the department in 1981, my activity has been mostly from the point of view of a recreational hunter, but periodically I have been asked by the department to provide input on management practices.

A few years ago, the Kansas Legislature changed the law to allow landowners and tenants of rural agricultural land to acquire non-resident permits and then transfer them to whomever they wish for the purpose of hunting deer in the state. I have never been a fan of the transferrable permit. I view it as being akin to marketing in wildlife which is generally illegal.

I have no problem whatsoever in a landowner charging leasing fees. I have a fishing lease; I have had waterfowl hunting leases in the past. I have paid for my deer hunting privileges for the past several years. However, I do not believe the transferring of permits at greatly inflated prices is in the best interest in the future deer management in the state. It certainly isn't in the interest of the resident deer hunters who have supported the program for the last 38 years.

Upon its introduction, I originally believed that HB-2078 needed only to be modified a little to really be of significant benefit. However, subsequent amendments to the bill have turned it into a very harmful piece of legislation and I urge the Committee to recommend that it not be passed and instead refer it to an Interim Study Committee.

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HB-2078 started out with some serious problems. It appeared to be making the transferrable permit more restrictive by tying it to the land owned or operated for agricultural purposes by the applicant. The insertion of the word "controlled" along with a definition, encouraged linking properties together with big game hunting leases. This legislation encourages even more leasing by guides and outfitters. This bill will help drive the cost of deer hunting out of reach of most Kansans. Ironically, much of the increased leasing will not be actually for the purpose of hunting, but rather only for the purpose of gaining access to the transferrable permits by guides and outfitters.

Currently, only about five or six percent of the deer hunting permits are of the transferrable non-resident type. That doesn't seem like much, but it is ending up controlling hunting opportunity far out of proportion to the numbers involved. The increased leasing efforts by guides and outfitters doesn't affect only deer hunting. It also affects other recreational use of the land. The guides and outfitters frequently exclude other hunting activity because they don't want the deer disturbed from their natural movement patterns by anyone other than their clients. They also preclude trapping for the same reason. This may or may not increase predator populations, but it will change their age structure to one with a larger proportion of older, more effective predators.

From a personal perspective, I recently made some inquiries of several guides and outfitters on behalf of an out of state friend. I was told by more than one outfitter that they were selling transferrable permits for as much as \$3,000. That is a scalping rate of over 1300 %. That is on the high end. That doesn't happen with every permit. But what really caught my attention when I visited with them, was the comment that they could make more money brokering transferrable permits than they could guiding. The transferrable permit was designed to bring money into an agricultural economy in the doldrums, but in reality the bulk of the money goes to fund a small special interest group, approximately 225 licensed guides and outfitters. This is a cottage industry that didn't even exist a few years ago. Now it is the driving force in controlling where and when most folks hunt deer in the state and how much it is going to cost.

In its journey through the house, HB-2078 picked up an amendment that would require to KDWP to honor any application for a transferrable non-resident archery deer permit from any landowner or tenant in the state. These permits are over and above any that are otherwise authorized by law. There are over 70,000 farm units in the state. Obviously there will not be that many applications, but the Department would have no choice but to issue a permit for every application received, and that could be an overwhelming number.

There is no question that the deer population was out of control in the late 1990s and the Department has moved more aggressively to control it through the issuance of more antlerless permits and antlerless game tags. Total harvest from 1999 to 2001 ranged from approximately 101,000 to 108,000 annually. Preliminary figures place the 2002 harvest at 71,000 deer, a drop of some 30 percent. This may indicate that the back has been broken on the ever increasing cycle of increasing deer populations. That is good news.

However, while the harvest dropped significantly, deer-car accidents in 2002 declined only 8 percent. But even that is good news. In the past, car kills have generally been a better indicator of the actual trend in the population. They are a function of deer numbers, total vehicle miles, and speed limits. The latter two factors did not change appreciably in 2002, so it would appear that the deer population is still relatively high.

Deer harvest is a combination of deer numbers and hunting pressure. In 2002, the number of resident firearms deer permits issued dropped by over 26 %. This corresponds very closely with the decline in harvest. There was some reduction in permits authorized in a few western units, but most of the decline was based on the hunters choice. They either didn't see enough deer during the early part of the season to warrant getting additional permits, or they didn't have as many places to hunt. As the deer-car accidents didn't decline at a similar rate as the harvest of deer, the latter reason would appear to be the case.

Loss of opportunity to hunt due to wholesale leasing by the guides and outfitters is going to be a major negative factor on the future of all sport hunting in Kansas. It falls primarily to the resident hunter to keep the deer population under control. But there is a constant erosion of that opportunity. All of this is going on while at the same time KDWP sponsors a program to recruit and retain younger hunters in the shooting sports.

I urge this committee to vote not to pass this legislation and instead assign the topic and that of SB-125 on damage payments to an Interim Study Committee. This whole subject of transferrable permits needs to be re-evaluated. The transferrable permit will still be in place with existing law for the 2003 hunting season. That allows time for a study. Please take advantage of the interim study committee process.

I appreciate the opportunity to be here today. I've been involved with deer management longer than anyone else in the state and I make a strong, deliberate effort to keep current on the overall situation. I stand ready to assist in an interim study to the extent necessary to help develop legislation that is both fair to landowner and deer hunter alike and beneficial to the management of the deer and other wildlife resources.

Thank you.

**Testimony for HB 2078:
A Landowner's Perspective**

My name is Edward Koger. My business is primarily ranching and farming, and as you know, the entire agricultural sector of the economy has suffered a series of price and weather shocks over the past several decades. Many, many of my fellow producers have been forced out of the business in recent years.

Therefore, like many other landowners in the state, I recently began a secondary business in pay hunting as a way to stabilize my cash flow. It's another way to generate income from the land I manage and a way to recoup some of the production losses I experience from the wildlife that I host on the 35,000 acres I own or lease. Many, many out-of-state hunters are willing and eager to pay for the privilege of harvesting a Kansas Whitetail, and I have invested a considerable amount of time and capital in beginning this business in the way of food plots, tree stands, lodging, vehicles, and other miscellaneous equipment and expenses. Before this, for over 10 years I have carefully nurtured my deer herd through careful culling of excess does, careful feeding, and extensive patrolling to control the poaching which has become an epidemic problem in the past few years.

I do not seek to minimize unfairly the important role the Kansas Fish and Game, now the Kansas Wildlife and Parks, department has played in bringing back the Whitetail deer in Kansas. I am grateful for the dedication of the wildlife service in their efforts to increase the wildlife resources in our state.

But I am also proud of the contribution other landowners and I have made to the health and abundance of the deer, turkey, upland game birds, and waterfowl in Kansas today. While the Kansas Wildlife and Parks plays a very critical role in controlling the number of permits granted in the state, they have not played as critical a role in actually sustaining the herds and flocks of Kansas. I and the other owners of 98% of the land in Kansas have done that. Many of us have done this willingly, even making allowances for feeding the wildlife by leaving unharvested strips of crops and important brush and growth to give them the food and shelter and habitat they need. I know many landowners, and most of them care more deeply about their land and the creatures on it than anyone not in this business can possibly understand. Most of us regard the wildlife as an important resource we are responsible for stewarding. There are exceptions, of course, but the majority of landowners are careful not to abuse any resource on their property. As a group, we take a long view into the future, and we care about succeeding generations having access to the same wonderful resources we enjoy.

While the law enforcement function of the Wildlife and Parks wardens is extremely important, the numbers of them are severely limited in the state. There is no way they can adequately patrol Kansas's private hunting acres. My fellow landowners and I also pick up a lot of the slack in this category of wildlife management. I spend countless hours and thousands of miles in my truck each deer season to keep law breakers away from my property and the herds of deer on it, and I have neighbors who do the same. I have had many trespassers and poachers hauled before local judges for violating the game laws of Kansas.

For these reasons, I sincerely hope that the department doesn't seek to minimize the critical importance of the landowner's role in sustaining the deer herd in Kansas or try to deny our rights to some of the profits from the resource.

For these reasons also, I deeply resent reading and hearing that many Kansas sportsmen express concern that as a group we landowners can't be trusted to manage the deer herds on our property. I have recently read statements that if we are allowed enough tags to sustain a hunting business on our property we will become so greedy that extreme over-hunting will result. I don't know any landowners like that. I'm frustrated at the attitude by some that only the wildlife service can possibly make wise decisions about

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hunting on private property in our state.

I do know personally many sportsmen and even game wardens who over the years have enjoyed tremendous free access to my ranch. In the past I was very generous in allowing access to hunters and fisherman. Almost universally, these guests have not exhibited any feeling of obligation to contribute anything to the herd on my property. They hunted for free. They didn't pay the property taxes, year in and year out, good years and bad: I did. They didn't bring in deer food or plant food plots: I did. They didn't patrol my land to keep poachers and trespassers at bay: I did. They didn't pay to rebuild and repair the fence the deer destroy each year: I did. They didn't absorb the cost of the cattle feed or crops I lose to deer each year: I did. Until I began charging for the privilege of taking advantage of my husbandry a year ago, most sportsmen I allowed to hunt received all the benefits of free access to my land and the deer I sustain at absolutely no cost. In this my situation wasn't unique.

So I'm irritated at much of what I read today. I see that some Kansas hunters do not appreciate a landowners right to profit from his or her own property. Many seem to deeply resent the new pay hunting some landowners have gone to as a way of surviving the tough times in agriculture. I hear hunters decry that they have lost "their" prime hunting spots in recent years. I have limited sympathy for their position because those hunting spots they feel entitled to were never actually "theirs" to begin with.

My feeling is that if sportsmen want extensive access to private hunting acreage, they should band together and buy or lease some. Other states see a lot of this. Hunters should pay a reasonable market rate for the privileges they have enjoyed for years at landowners' expense. However, I appreciate that changes in our hunting laws require a lot of attitude adjustments on the part of all interested parties. Every change creates some winners and some losers, unfortunately.

I have much less sympathy for the out-of-state outfitters who seek to come to Kansas and take advantage of our resource, then take the money they make home with them. My belief is that a Kansas resource should benefit those who live here, shop here, and pay taxes here. If landowners want to contract with out-of-state outfitters to run the hunting on their own land, fine. Let the landowners control the tags and work out a private arrangement with the outfitters. I don't approve of the current system of allowing archery tags sold in other parts of the state to be used here in Unit 16. Since 98% of Kansas land is privately owned, it seems unreasonable to me to force landowners into a draw system with out-of-state hunters and outfitters for permits on those landowners' acres. It seems to me the majority of transferable out-of-state tags should be marketed through the landowners who control the vast majority of hunting acres in the state.

Because I and many of my peers have our own outfitting businesses, we make out-of-state money with our property, and it stays here in Kansas, spent in our surrounding communities.

The current system is unfair. It is unfair that I control a large number of acres, yet I can't be assured of a single transferable tag in the current draw system. The landowner should have access to a reasonable number of tags according to the acreage he or she controls. Further, many, many landowners own property that crosses county boundaries. For all these reasons, I am in favor of HB 2078, but without limitations of landowner tags to a particular county. As long as a tag is used somewhere on the landowner's property, it should not matter which side of a county line a deer is hunted on.

Some have claimed that such a system will create an unlimited number of permits. This cannot be true; the state of Kansas does not contain an unlimited number of 80-acre tracts. Furthermore, landowners who don't have good hunting acreage will not have an incentive to purchase tags. Without good hunting acreage, he or she will not be able to sell hunts; therefore, they will not waste money by purchasing tags that can only be used on their property. On the other hand, people like me with excellent deer hunting

opportunities will be able to purchase a reasonable number of tags. Will we get greedy and oversell to hunters, thus damaging and possibly destroying the resource? This is an unlikely scenario: with pay hunting, the careful management of the deer herd is encouraged and rewarded, not discouraged. Reasonable people don't destroy their valuable resources. Most landowners are reasonable people, and caring people. Furthermore, this system would benefit those who bear the costs of sustaining the herd.

On another aspect of the bill, I believe that Kansas should follow the lead of other states by dramatically increasing the penalties for poaching trophy bucks. The state should demand restitution of at least \$10,000 by the offender for any illegal taking. This action would help alleviate the serious poaching problem within Kansas.

Thank you for your consideration.

Edward R. Koger
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March 10, 2003

RE: HB 2078

TO: Senate Natural Resources Committee
Senator Robert Tyson, Chairman

Dear Senator Tyson and Committee Members;

This letter is to encourage your full support of the HB 2078. We feel that this legislative measure is a step in a positive direction for landowners across the state in accessing potential income from deer hunting while helping to effectively manage the state's deer population. Not to mention the added income to the state through licensing and application fees.

My husband and I own a cattle ranch located in Chautauqua County and additionally try to derive income from recreation through deer and turkey hunting, fishing and trail riding. It is an economic benefit to our local communities as well.

HB 2078 and its amendment(s) provide some leverage for landowners to plan for economic income through deer hunting. The current legislation, however, does not encourage management nor any economic benefit to landowners. There is no guarantee for the landowner to obtain transferable tags through the lottery system, thus giving me no opportunity for this financial growth. Consequently, there is no management of the whitetail population on the 5500 +/- acres that we ranch.

I support HB 2078 as it is written although I believe this is just the tip of what could be changed to guarantee the landowner more flexibility in promoting fee hunting and recreation on their private property, while the state could continue to develop one more aspect of its tourism industry.

Again, I urge your support of the HB 2078 and would also like to visit further regarding our perspective on this issue if you would desire. Thank you for your consideration to the favor of this bill.

Regards,

Dorie Tucker
Tucker Ranch

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Date: March 13, 2003
Attachment 20

**To: Kansas Senate Committee on Energy and Natural resources
Robert Tyson, 12 District, Chair**

RE: House Bill 2078

**From: Kansas State Bowhunters Association
Shawn W. Harding, Legislative Chairman (Registered Lobbyist)**

House Bill 2078 is not an effort to "manage" deer numbers. The proposed modifications (increases) made to the percentage of tags made available to non-residents are not acceptable. This is due in part to the modifications to the wording on the restrictions for the transferable tags. The Kansas Bowhunters Association will accept the use of transferable tags when they are tied to the land that they were applied for.

The amended language to HB-2078 is ludicrous; it is simply another way for certain special interest groups (and even elected representatives) to create a supply of tags for selling. There is a demand for the States trophy deer and some persons wishing to cash in on the States resource and its great trophy reputation. A short term fix until it's reduced to being AVERAGE. Persons of this committee claim the State department of Wildlife and Parks and myself have introduced "bad information". We can only tell this committee the KBA has argued against the transferable tags (SB-568) in the 2000 session and warned of the future needs for public land and that the leasing of land would be pervasive. These problems would create management issues for KDWP. What "bad information" was given then? These are the exact issues you have politely listened to this session. Senate bill 81 and even this bill (2078) started to address the some of those concerns and yet you still feel you have to add language to benefit a select group or kill the bill.

Representative Hayslett, who amended HB2078 in the house hearing, must have no concerns for the declining mule deer herd in western Kansas. The amended language to the bill allows for the Hunt on Your Own Land (HOYOL) tags, which are UNLIMITED, to become transferable archery permits. Archery permits are typically "either sex, either species". We know they'll come to hunt them or the language wouldn't have been added. This amendment in our (KBA) opinion is designed to sell out our more limited resource to the highest bidders and it is shameful.

Senators, you were not put in these positions for a few; you were elected to represent all. You should represent the States resources, as well as the groups that use them and YOU HAVE NOT. Deer will not, and cannot, "fix" the agricultural crisis or the financial crisis that the State is facing. The deer will be extirpated a second time in the name of "management", which you (the legislature) seem to think is either a commodity or a nuisance depending on how it suits your particular interests.

Addressing this committee has become ritual for the KBA and it has proven to be a "stone wall". Legislation is a blanket and it affects the whole State. We may have problem "islands" in a "sea of Kansas" but not big enough problems to write law. This State should protect and be "stingy" with the things others consider desirable and not succumb to being average.

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