

MINUTES OF THE HOUSE WILDLIFE, PARKS, & TOURISM COMMITTEE

The meeting was called to order by Chairman Don Myers at 3:30 P.M. on February 2, 2005 in Room 241-N of the Capitol.

All members were present except:

Geraldine Flaharty- excused
Patricia Kilpatrick- excused

Committee staff present:

Dennis Hodgins, Kansas Legislative Research
Lisa Montgomery, Revisor of Statutes Office
Betty Caruthers, Committee Secretary

Conferees appearing before the committee:

Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife & Parks
Doug Phelps
Shawn Harding, Kansas Bowhunter's Association
Randy Hoffman
Randy Smith
Dan Rudman
Frank Meyer, Kansas Wildlife & Parks Commission

Others attending:

See attached list.

Chairman Myers asked if there were any bill introductions to be made. There were none.

Chairman Myers announced Monday, February 7 there would be a briefing by Chris Tymeson on potential for reconstruction and simplification of existing deer management statutes.

Hearings for proponents on **HB 2115 - Repeals the archery management units for deer**, were opened.

Chairman Myers recognized Chris Tymeson, Kansas Wildlife & Parks. Chris summarized that if **HB 2115** is passed it would repeal the present law regarding deer management units. Provisions of the bill would become effective upon publication in the Kansas Register which would need to be no later than April 21, 2005. Mr. Tymeson stated that the Department of Kansas Wildlife & Parks welcomes the opportunity to take a hard, long look at K.S.A. 32-937 and come back with some alternative proposals. Representative Ruff asked if Mr. Tymeson would be in support of the compromise to **HB 2115** which has been presented. He stated that he could not support the compromise because it would lend itself to placing Kansas in position for a lawsuit. (Attachment 1)

Chairman Myers recognized Doug Phelps from Manhattan, a resident bowhunter. Mr. Phelps spoke in favor of repealing unit archery legislation. He stated that any solution to deer issues will be resolved by increasing hunter access, not by restricting resident access. (Attachment 2)

Chairman Myers recognized Shawn Harding who spoke on behalf of the Kansas Bowhunter's Association requesting that State wide status be given back. Mr. Harding suggested changes in the language of **HB 2115**. (Attachment 3)

1. The resident bowhunter shall select a "prime unit" to hunt in the State of Kansas and then be allowed to hunt all "units" with unlimited permits.
2. The non-resident bowhunter that participates in the Kansas draw shall select a "prime unit" when applying for a Kansas tag and then be bound by that unit when hunting in the State of Kansas.

Chairman Myers recognized Randy Hoffman who presented a petition started by a group of concerned bowhunters. The petition is to leave resident archery permits statewide. (Attachment 4)

Chairman Myers recognized Randy Smith, a resident archery hunter. Mr. Smith's main request is "to start the trend back towards a positive direction and return the management decisions to the people who don't stand

CONTINUATION SHEET

MINUTES OF THE House Wildlife, Parks, & Tourism Committee at 3:30 P.M. on February 2, 2005 in Room 241-N of the Capitol.

to personally profit from it.” (Attachment 5)

Chairman Myers recognized Dan Rudman whose main concern was one of management of a limited resource. Mr. Rudman believes that **HB2115** is needed “to help recover from a reactionary piece of poorly developed management legislation this past year.” (Attachment 6)

Chairman Myers recognized Frank Meyer of the Kansas Wildlife & Parks Commission. He asked the Committee to honor the Kansas Department of Wildlife & Parks Commission’s request by passing **HB 2115**. Mr. Meyer also asks that the Kansas Department of Wildlife & Parks work with the Committee to devise a plan to bring everyone together rather than drive groups apart. (Attachment 7)

Written only testimony was received from Paul Babcock asking the Committee to endorse **HB2115** to repeal and abolish the mandate which requires the establishment of archery deer management units in the State of Kansas. (Attachment 8)

Hearings for proponents to **HB 2115** were closed.

Chairman Myers announced that the Committee would be working **HB 2115** on Monday, February 7 after the briefing by Chris Tymeson on how to come up with a plan for revising the deer management laws.

Chairman Myers adjourned the Committee at 4:55.

Next meeting scheduled for Monday, February 7.

HOUSE COMMITTEE ON WILDLIFE, PARKS, AND TOURISM

GUEST LIST

DATE 2-2-05

Your Name	Representing
Jeff Redding	
Jeff Prothe	
Doug Phelps	Self
Frank Meyer	KD W P
Dusty Dark	Self
Ralph Renfro	SELF / Kansas Bowhunter's Assoc.
Dave Easton	self / Ks - Bowhunters Assn.
Barry Cook	KBA / Self
Ron Nicholson	self - Bow Hunter
Jerry Keller	Self
Larry Beyer	" "
SEAN STEWART	SELF
RANDY HOFFMAN	self
Chris Roberts	self
Archie Macias	self
Mike Shelley	Self
Roger Shelley	self
Dale Hellman	SELF
ELDON HELLMAN	SELF
Jim Cornelison	SELF
DALE R. LARSON	SELF
Larry Larson	SELF
David Balis	self
Randy Smith	self
Jim Flynn	self
Byron Johnson	self
Alan Bullard	Self
STAN L. GRAVES	SELF
Dick Hammond	Self
Mark Haag	Self

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2215 relating to the Repeal of Archery Management Units
To
House Committee on Parks and Tourism**

**By Christopher J. Tymeson
Chief Legal Counsel
Kansas Department of Wildlife and Parks**

2 February 2005

HB 2115 would repeal K.S.A. 2004 Supp. 32-937(o), which creates archery management units. Subsection (o) was added to the statute in the 2004 legislative session and requires the Department to create a minimum of nine archery units within the state for the purpose of allocating archery deer permits on a unit by unit basis. The provisions of the bill would be effective upon publication in the Kansas Register.

Resident and nonresident archery permit holders have long had unlimited ability to hunt on a statewide basis. The purpose of subsection (o) is to reallocate landowner transferable nonresident archery permits to guarantee some of these permits would be available in all areas of the state, but every change in the statute has intended and unintended consequences. The Department opposed the amendment to K.S.A. 32-937 both in this committee and in the conference committee on the 2004 bill, but it was passed and signed into law.

Since then, the Department has proceeded to implement archery management units, with the opportunity for public comment at statewide public meetings and through the Department's website. The regulatory framework for implementation of archery management units is a two step process. At the January 20, 2005 KDWP Commission meeting, the Department proposed ten archery management units within the state and the Commission authorized those units in K.A.R. 115-4-6a. Notably, the Commission also unanimously passed a resolution in favor of the passage of HB 2215 and requested that the resolution be provided to this committee.

The Department now intends to offer for implementation, a version of K.A.R. 115-25-9, which would limit the area where archery permits are valid. That regulation will be set for public hearing on April 21, 2005. The specific archery permit provisions

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Attachment 1

within the regulation would allow use of archery permits in two archery management units of the permit holder's choice, in addition to Unit 19 along the I-70 corridor.

K.S.A. 32-937 is a prime example of special interest legislation dictating permit allocations and species management. Both the Department and the Commission contend that wildlife should not be managed by increasingly complicated and layered statutes. The Department would welcome the opportunity to study this entire statute in depth and bring forth a proposal next session that best serves the constituents of the State of Kansas, by simplifying the statutes governing deer hunting in Kansas.

Doug Phelps

Mr. Chairman, members of the committee, I thank you for this opportunity to speak in favor of repealing unit archery legislation. I'm Doug Phelps from Manhattan and I am a resident bowhunter.

Kansas deer management has a short but very successful history. From a population too small to support hunting to a healthy, balanced herd in less than my fifty six years. The quality of this deer herd is legendary. This was accomplished by managing not for herd quantity but herd quality. Quality measured by an age structure that isn't skewed toward yearling deer, but representative of all age classes. Quality measured by an appropriate ratio of bucks to does. This herd is healthy, chronic wasting disease has not been found, even though it exists on our very doorstep.

This was accomplished by sacrifices made by all stakeholders, landowners and hunters alike. Kansas deer hunters have paid perhaps the highest resident fees in the nation for the privilege of participating in Kansas deer management. Kansas deer hunters even suffer from punitive restrictions and fees from other states, because we are doing it right. Hunters are grateful for the landowners' sacrifice, for without habitat there would be no deer. From the beginning it was deemed that the best utilization of resident bowhunters would be from statewide access to deer hunting. This flexibility is instrumental to the resident bowhunters effectiveness within the existing deer management strategy.

Bowhunting without assistance of a guide/outfitter is a challenge. Because of the equipment-imposed limitations, resident bowhunting requires multiple hunting locations, often at great distances and often in different units. This travel adds to the local economies, local economies often in need of added revenues. An additional benefit to travelling hunters is the opportunity to appreciate the many different wonders of the Kansas outdoors.

Any solution to deer issues will be resolved by increasing hunter access, not by restricting resident access. The availability of transferable permits in a specific area is not only a function of permits available but also landowner application. Restricting resident bowhunters to a specific unit will not guarantee transferable permits will be available in any given unit. Please restore a tradition that has served the deer herd, the people of Kansas and the resident bowhunters so well for the past forty years. Thank you.

Shawn Harding

Thank you Chairman Meyers and committee to allow me the opportunity to speak on behalf of the Kansas bowhunter Association.

Before I explain our position I would like to reply to some comments I've heard the last two weeks in this committee.

First: The reason we are here today is not because of a dispute between bowhunters and outfitters, to the contrary the bowhunters were drug into this fight. This is a battle between the large tag brokers and the smaller guide and outfitting businesses. To spread the wealth and guarantee some guide business would make it to all corners of the State the idea of units were developed. The threat of lawsuits from the big outfits claiming disparity between user groups seems to be the reasoning for limiting the resident bowhunter.

Second: The bill (SB363) may have passed the house and senate but the "units" amendment was tacked on in conference committee during legislative recess. A time that is nearly impossible to make contact and get on the agenda. The KBA takes issue with this and a letter on their behalf was sent to the Kansas Government Ethics Commission regarding this issue. That is not a "We the people" way of doing business.

Third: Bowhunting equipment may have improved in its manufacturing techniques and tightened its overall tolerances but I assure you that the success rates for archers have risen for other reasons. It has more to do with opportunity than equipment. For a decade now we have been told that deer numbers needed reduced and we have done that by issuing "antlerless" tags. This allows a hunter to kill numerous doe and yearling deer. Yearlings are easier to kill, they haven't learned enough life lessons to curb their curiosity. The fastest bows deliver a lethal arrow at speeds in and around 300FPS which is about 1/4th of a standard twenty two round, and much less than a magnum caliber deer round. The P&Y club (a record keeping big game association for bowhunters) has compiled data for the last 44 years and it claims most whitetail deer are shot at 20 yards +/-, 60 feet. That is 1/5 of the distance that a primitive open sight muzzleloader in capable hands can accurately take game. Our success is not attributed to improvements in equipment.

Fourth: We feel we were backed into today's proceedings. Resident hunters, who do make an impact on the deer numbers, are now helping solve issues that have little to do with how we hunt but very well could effect if we hunt. We live in a State that is for the most part privately owned, so celebrating fifty years of the State park system seems somewhat a mute point when you are also telling your own residents they can only utilize part of that small amount of public hunting land made available to us.

With that said I am now going to explain our approach to the problem. A problem, that the bowhunters of Kansas did not create but, as good stewards we worked in an unconventional way to create this proposition. A solution that probably doesn't answer all of the questions but recognizes that if HB2115 passes we will face more legislation that could restrict us because we do not address the original problem.

The leadership of the Kansas Bowhunters Association (KBA) and the Kansas Outfitters Association (KOA) feel compelled to offer this suggestion to the language of bill HB2115 that relinquish the unit restrictions for resident bowhunters. This revised language should alleviate the concerns that the KDWP has about disparity issues between resident and non-resident user groups and allows for a better management solution for the deer herd.

The larger numbers of resident hunters in Kansas offer the ability to better control the deer population than our guests who visit for only a scheduled time period to hunt deer in our State. It is our opinion that our State has been recognized for its remarkable deer herd due to a simple plan that has worked for forty years and we wish for that "system" to stay intact.

While the goals are the same, bowhunting and rifle hunting deer are very different in their approach to that success. With this in mind The KBA and KOA would suggest the following language.

The State of Kansas establishes a set of "archery management units" for the management of bowhunting similar to what was amended to SB363 2004. **However**, the utilization of those units should be determined by the user group, the available resource (deer) and how those items are best managed. We suggest the following changes:

The **resident bowhunter** shall select a "prime unit" to hunt in the State of Kansas and then be allowed to hunt all "units" with unlimited permits. At this time, and for the foreseeable future, all units in the State are considered "unlimited" for archery permits so the resident bowhunter will be able to hunt Statewide.

The **non-resident bowhunter** that participates in the Kansas draw shall select a "prime unit" when applying for a Kansas tag and will be bound by that unit when hunting in the State of Kansas.

The non-traditional **transferable tag** since it is purchased through the landowner or his broker shall remain as it is currently enforced.

By establishing the management units it gives a measure of control by dispersing non-resident tags, which was the impetus for the legislation in 2004. This is the main wish for the KOA because it spreads the tags over a greater area, which benefits their membership and also improves the management opportunities for KDWP. The current system allows the allotment of tags to become "clustered" and create management issues in certain areas of the State. It also appeases the KBA because it maintains the tradition of Statewide hunting that improves success rates and allows them to be a participant in the management process of our deer herd.

The KBA and KOA in an unprecedented joint effort, respectfully submit this suggestion for your consideration. We feel that this language will limit any further legislative action regarding this issue.

KBA Executive _____ KOA Executive _____

In closing; Law suits and threats of law suits seem to be a driving force behind much of our problem. The KBA has a copy of one letter from an attorney who represents a large outfitting company requesting changes in the fee structure that that State charges its non-resident hunters. Kansas could get sued over a number of issues. How tags are sold, how they are valued, distribution etc.... But at some point the States right to do commerce must also be considered. The State of Kansas has a right to utilize and manage its resource in a manner that is best for its residents and for the State, just as much as an individual has the right to hold a license and come to Kansas and do commerce. For the less than effective system that is in place right now (brought about by the very industry that opposes the removal of this amendment) the transferable tag allows access that is not tied to a unit and therefore makes the disparity between the resident and non-resident a mute point in our opinion. Resident hunters have a job, you the State gave it to us. Use us in the most effective way possible; give us our State wide status back.

Thank you

SWH

I'll answer your questions if there are any.

Randy Hoffman
Chairperson Myers and Committee Members,

My name is Randy Hoffman, I have bowhunted in Kansas for 27 years. In that time I have seen the deer herd improve in both quality and quantity with the management plans set forth by the Kansas Department of Wildlife and Parks. A couple of weeks ago I became involved with a group of concerned bowhunters in Kansas and we started a petition, due to the short amount of time we only had a few of them out but in 2 weeks have gathered in upwards of 500 signatures. At this time we are still circulating these petitions. These petitions are not only being signed by bowhunters but by firearm hunters, upland game hunters, fishermen and the general public that is concerned about this being a stepping stone of what could occur in the future. As a generation of outdoors enthusiasts we owe it to our children to assist the managers of our natural resources in any way possible. The items mentioned in the petition are some of the reasons we are seeking your support regarding bill 2115.

Thank You,

We, the undersigned, would like the Kansas legislature to reconsider, and revoke, legislation that would tie Kansas bowhunters to management units in 2005. It would be better if resident archery permits were left statewide, as they've been for 40 years, because -

---The creation of the regulation was done very late in the 2004 session, and accomplished in a few short days. Legislators weren't given enough time to research how the move would impact their constituents. Kansas sportsmen were also denied enough time to get politically educated and involved.

--- Many bowhunters have been at the sport for much of their lives, and have collected hunting spots without regard to unit boundaries. Such a change would negate the years, or decades, they've spent developing relationships with landowners and getting to know the patterns of localized deer herds. The latter greatly helps with controlling the deer population.

--- The spread of commercialization within deer hunting (guiding, leasing, the buying of property for hunting) has made it increasingly difficult for the average Kansan to find new places to deer hunt. Many deer hunters are now confined to a few small, and widely scattered, tracts of land that may be within several management units. To limit a sportsman to one unit would greatly decrease his enjoyment of the sport AND his ability to help control the Kansas deer population.

--- While firearms hunters are already restricted to units, we'd like to remind the legislature that bowhunting is a sport that requires far more time and dedication. Many archers have invested 30 to 40 days of preparation and hunting before they succeed, while many firearms hunters are only out a few days. There's no way for a bowhunter to know which property, within which unit, will be productive when a particular portion of the season arrives. We need as many options as possible if we're to help manage the Kansas deer herd.

---The legislative action was made in an effort to provide a better distribution of non-resident archery permits for some Kansas outfitters. Good or bad, we think it's important that the Senators and Representatives also consider the needs of all Kansans. While the legislation might benefit a few dozen guides and outfitters, it could have a very negative impact on tens of thousands of Kansas sportsmen. There are ways to better serve both the minority outfitters and majority sportsmen.

-- With great respect to the job done by the Kansas House and Senate, we also feel such wildlife-related rules and regulations are best handled by the Kansas Wildlife and Parks Commission. The seven-member commission is non-partisan and unbiased, with only one bowhunter and four hunters overall. They have the time, and the resources, to properly research such regulations. We elect our legislators to run matters such as taxes, schools, state government spending....and would like them have as much time as possible to invest in such issues.

Randy Hoffman
620-782-3325

Name

Address

02-02-05

Randy Smith

Chairman Myers, members of the committee,

My name is Randy Smith. I am a lifetime resident of Lyon County Kansas. I am speaking to you today as a resident archery hunter. I am a member of the KBA but I am not speaking on their behalf.

In my forty years as a Kansas resident, there has been times when even seeing a deer in Kansas was a rare event. In my youth, I recall how special it was for my family to see a deer in rural areas. I have always been an outdoor enthusiast. I am an avid hunter and fisherman. My main interests are pheasant and whitetail deer hunting, and fishing for large mouth bass and flathead catfish.

I want to talk to you about some recent facts about our Kansas deer resource, and deer related issues including this one.

Until 1994, Non-resident hunters were not allowed to hunt deer in Kansas. When they were allowed into Kansas, commercial deer hunting operations were virtually non-existent. There were few if any claims of deer "problems" before the change. Problems were addressed by KDWP biologists when reported. The total number of NR tags initially issued was restricted to allow the management plan being used to continue with it's success.

The following year, requests were made by those involved in the commercial hunting industry for additional NR BUCK tag issuance. KDWP declined requests based on biological data that told them our resource could not withstand additional pressure.

Over the next several years, KDWP responded to claims of deer overpopulation, high incidents of crop damage, and high incidents of car/deer accidents, with programs based on sound deer management principles. They offered extended seasons, issued additional antler-less deer tags to reduce the breeding doe population, and offered a hunter referral program. They offered deer depridation tags at no cost to farmers to reduce deer numbers where they were damaging crops. The commercial hunting lobby continued pushing for additional NR BUCK Tags. They were not interested in reducing their deer populations even though the basis for their lobbying efforts was deer over population. They attempted to discredit the deer management program run by KDWP. The very people making the claims of deer depridation which prompted the extended season in Unit#12, turned resident hunters away and would not allow them to hunt their properties, that is unless the hunters paid trespass and trophy fees for the deer they wanted to harvest. The last I had heard, no one had utilized the free hunter referral program, another free

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option to landowners. This program is designed to match willing hunter participants with landowners reporting high numbers of damage causing deer. The extended seasons and additional "Game tags" have had resounding success in reducing herd size in areas that have liberal hunting access. In some areas of the state, the resource has been over hunted, Lyon County included. Areas where hunting is limited due to urban sprawl and landowner non-participation, the programs have had little to no effect.

The commercial hunting industry brought their lobby here to the Legislature in the late 1990's in an attempt to get their desires addressed through legislation. Once again the claims of over population, crop damages and car deer accidents were the basis of their lobbying efforts. They stated they were unable to survive as business operators with limited access to NR Buck tags. They specifically requested additional NR BUCK tags be issued, not doe tags. They also began discussing allowing individual landowners to determine their own management plans. They felt they should not be forced to follow the statewide management plan, but instead be allowed to determine their own management needs. The legislature directed the KDWP to address the issue.

In 2000, the resident landowner transferable tag was born. This piece of legislation allowed Kansas landowners of 80 acres or more to purchase NR Buck tags to be resold for whatever price the original applicant to get for them. The t-tag was lobbied for by the commercial hunting industry, by lobby groups representing Kansas Farm Bureau and the Kansas Livestock Assoc., as well as owners of large tracts of agricultural land. These groups maintained the purpose of the t-tags were for addressing deer damage claims and as a way to compensate land owners and farmers for the damages that deer supposedly were causing. One half of all issued NR BUCK tags would now go to qualified resident landowner applicants. In 2000, there were 7930 NR BUCK tags issued, 3965 tags were taken out of the lottery pool and could be purchased by Kansas resident landowners. If NR hunters did not draw a tag in the lottery but still wanted to hunt Kansas, they were forced to try and broker a deal with landowners, outfitters, and or tag brokers. Some NR hunters reportedly paid over \$4000 for these tags. Abuses of the system were being reported the very first season they were issued. There were reports of landowners without quality deer habitat nor deer over population problems obtaining tags and selling the tags to Outfitting operations in other areas of the state. This defeated the original stated purpose of the tags. Tags were available from brokers located in neighboring states. There were landowners getting more than the one tag they could legally apply for. There were reports that commercial hunting operations were controlling the NR deer hunting market with the t-tags. Resident owned outfitting operations complained that they were not getting their fair share of the tags. Larger NR run operations with unlimited financial backing were flooding the application pool. During this same time, a preference point system was implemented. This system gave unsuccessful applicants preferential consideration over first time applicants the following year. This measure was lobbied for by the commercial hunting industry. In 2003, nearly 60% of the t-tags issued ended up being used in DMU #16 in SW Kansas. There was a push for regulation or legislation changes to address these reported abuses. Steps were taken to investigate the allegations and to come up with a solution to the abuses. It was

decided the t-tags were to be restricted to the county, or one adjacent county the landowner applicant had farming operations in.

After the regulations for the 2004 season were changed to include the t-tag restrictions, an amendment was added to a popular and highly supported piece of legislation. The amendment called for restrictions to be placed on archery deer hunting tags, and establishing archery game management units. The measure was introduced at the end of the legislative session when no opposition could be brought against the amendment. The public and those effected by it could not testify against it. It was introduced this way on purpose, it was not a coincidence. There are members of this committee present today that were instrumental in getting the amendment added to the bill. Due to the positive portions of the original bill, the measure quickly passed both houses and was signed into law by the Governor. In 2004, 80% of the t-tags still went to Unit 16, even with the county restrictions in place. That means approximately 3954 of the 4942 t-tags issued went to Unit 16.

Every single regulation change, every piece of legislation dealing with deer hunting issues, and every "problem" that has arisen concerning deer hunting has been the result of actions taken by or requested by the commercial hunting industry.

The resident bow hunters of Kansas and the KBA have not initiated any requests to change deer hunting regulations nor requested legislation to address deer hunting issues until HB#2115. We feel we were not given due process and fair representation in reference to the subject of this bill and felt compelled to request this action.

There was no biological data offered to support restricting resident archery hunters or NR archery hunters to game management units. The measure was just another "quick fix" proposal to correct a previously made error made by previous legislation and the commercial hunting lobby. They continue to try to liberalize their access to the Kansas deer resource.

KDWP has stated publicly and on record that they were against the formation of archery units. The KDWP Commission has stated the same.

The commercial hunting lobby chose to not speak in opposition of this bill. The one person who spoke on Monday, KOA President Jim Aller, spoke in favor of removing the restrictions on Kansas resident archery hunters. He presented a proposed amendment to the bill that was worked out in cooperation between the KOA and KBA. The proposal satisfied both organizations' concerns while keeping the original bill from being completely repealed. He stated they never intended to include resident bow hunters in the desired restrictions, they simply wanted to address equal access issues to the NR BUCK tags.

Mr. Aller claimed in his testimony that 80% of all NR tags went to South West Kansas deer management areas. That is not true. 80% of the t-tags went to Unit 16, that


can be proven because the t-tags are labeled with the county restriction requirements. This would be just over 40% of the total number of NR tags issued. The other 60% of issued NR BUCK tags were issued through the draw, and were valid statewide, thus they have no way of determining where the tags were used.

KDWP Council Chris Tymeson testified that he did not approve of the wording on the proposal. He stated "fairness issues" were what prompted lawsuits against other states. Is allowing people with financial privileges to buy their way around lottery drawings fair? Is forcing half of the allotted NR hunters to pay a much higher fee to buy a t-tag from a landowner fair to all NR hunters? How is it fair to give someone preferential treatment because they have applied for tags before, is this fair to someone that is a first time applicant? Is providing an opportunity for profit off a natural resource to only one specific group of Kansas landowners fair to other landowners in Kansas? The fairness claims went out the window with all the regulation modifications and legislation that has given certain groups the ability to control the NR hunting industry. The only fair system we have ever had was when all NR applicants had the same opportunity in the lottery drawing.

Tymeson also spoke of the Interstate Commerce Act effecting how regulation decisions were made. He mentioned the lawsuits in Arizona in which the 9th Circuit Court ruled that 5% caps on ELK tags were unconstitutional. Keep in mind, we don't allow NR hunters to hunt elk in Kansas. Arizona residents are not guaranteed a license every year. There are Arizona residents who have not drawn an elk tag in 10-15 years of applying. Is that fair or a good comparison to our situation in Kansas? Currently it is illegal to sell venison in Kansas. Would it not shoot down the Commerce Act claims by making the sale of antlers and hides illegal as well?

I am encouraged that the Committee has directed the KDWP to come up with a proposal to clean up our deer hunting regulations and deer related statutes. Each time our regulations have been "tweaked" in an attempt to satisfy one special interest group, problems have arisen down the line for others involved. The problems began when management decisions were taken out of the hands of the KDWP and the KDWP Commissioners. The KDWP are trained biologists and did a wonderful job of restoring our deer resource over 29 years. There were very few alterations to the regulations during that time. As the herd grew and dispersed across the entire state, they began issuing additional hunting opportunity for resident hunters. After 1994, and in just eleven short years, alot of what they had accomplished has been destroyed. The changes have all been requested with no concern whatsoever for the long term stability of our deer resource.

I ask that you start the trend back towards a positive direction and return the management decisions to the people who don't stand to personally profit from it.


Randy Smith
Americus Kansas

Dan Rudman

To The Committee on Wildlife, Parks, and Tourism: As a proponent for HB 2115:

My name is Dan Rudman. I reside in Douglas County. I am a long-term Kansas resident, father of five and work as a traveling speaker and educator. I am a lifetime Kansas License holder, Bow-hunter education instructor, and have lifetime involvement with conservation and outdoor education. I have testified before on issues related to conservation. I am a proponent of HB 2115.

I came to testify today both as a proponent of this bill and with regards to one of the greater concerns in the development of this bill. In the larger picture, I do not believe that this discussion has much to do with Outfitters versus bowhunting, civil action by non-residents, etc. While I concur with concerns being based on the inconvenience and loss of opportunity (i.e. can't go hunt with family, my areas to hunt will be divided, etc.) There is a much larger issue at stake.

The most important issue here is one of management of a *limited* resource. This current legislation comes in a long line ("domino effect") that resulted from some who sought to commercialize our resource. In the 1970's and 80's, Kansas became known as one of the great North American Game Management Success Stories in regards to its deer management. In the past ten years, we have watched as the very system that created this incredible resource has been slowly dismantled. Legislation has increasingly been levied that has created a "gold rush" of sorts for deer and subsequent land here in our state. This exploitation has affected the ability to manage the herd while many of us have experienced loss. Proper understanding of game management and foresight could have prevented the great loss many of us are experiencing,

This present legislation is needed to help recover from a "reactionary" piece of poorly developed management legislation this past year. Bowhunting is one of the strategic tools needed for management. 17,000 resident bowhunters harvest approximately 7,000 deer, which amounts to about 10% of the total harvest. In some ways this number is very limited while it is strategic in that many areas where guns would not be allowed can be accessed with the bow and arrow. Further, this voluntary choice of weaponry represents those who typically are quite serious about conservation and tradition. Given this, the bowhunter is already limited in our impact on the herd. Simply stated, hunting with a bow and arrow is a completely different venture than hunting with a gun. Hunters who participate know this challenge. This legislation which seeks to limit our access, does nothing but further limit our ability to be a helpful tool in management of the resource.

I urge you to pass 2115 to restore the bow hunter's ability to be a viable management tool. I also hope that you will consider the current trend in Kansas to commercialize this limited resource that was once a great success story. I hope history will not reveal a very real and great loss for our state, our resource, and our families.

February 2, 2005

Frank Meyer
Testimony Encouraging passage HB 2115
House Wildlife, Parks and Tourism Committee

(HB 2115 will amend K.S.A. 2004 supp. 32-937 by removing the language requiring the Kansas Department of Wildlife and Parks to establish no less than 9 archery management units for Deer. Passage is requested by the KDWP Commission)

Good afternoon Chairperson Myers and members of the committee. I, Frank Meyer, am a member of the Kansas Department of Wildlife and Parks Commission and designated by the Chairman as spokesman for the Commission on this bill.

When requested to develop a position on any issue it is important to start by gathering information from both sides and make sure you understand the issue and the ramifications of any action that might be taken. When you look at deer hunting in Kansas you find a multitude of "sides" comprised of many interest groups. We have bow hunters, muzzle-loader hunters and rifle hunters all of which may come from in or out of state. We have in and out of state landowners, tenants, farmers, ranchers, people who own land just for pleasure and the state, counties and many communities have public lands. We have lease sellers, lease buyers, guides and outfitters. Last but not least we remember the deer and the predators.

We must also remember the economic side. Big game hunters contribute to the state economy in the form of purchases and trip related expenses at an estimated rate of \$81 million dollars a year. They contribute to sales taxes and also are a key component in wildlife conservation funding with their purchases of licenses, deer hunting permits and tags. Deer hunters invest in equipment and access to prime hunting areas as well as contribute their time. Their harvest not only benefits them and their families, but also assists in the wise management of wildlife resources and helps to control deer numbers at levels society tolerates. A properly managed deer population considers the negative economic side as well and attempts to put hunting pressure in locations that will reduce items like deer related vehicle accidents and crop damages. A key to that issue is a program that recruits deer hunters in sufficient numbers and ensures that their access to deer hunting, especially on private property, will remain available in ways that retains those hunters. **Deer hunting in Kansas is big business and it has many complicated social and environmental aspects.**

Unfortunately at times these groups see each other as adversaries rather than partners.

Last week you were given a brief history of the 43 years that deer hunting has been allowed in Kansas. It is my hope you will read it carefully for in doing so you will see a pattern develop with the Legislature reacting to concerns of one or more of the above mentioned groups, at times with little or no attention paid to far reaching ramifications of their actions. SB 363 that was passed last year and we are looking at today is a good (bad) example.

What we now have is layers of regulations, laws, legal opinions and who knows what else on the books. The consequence of all this is we, the KDWP Commission, are struggling to meet the needs of all interested parties and stay within the law, whatever it may be.

The amendment to SB 363 is just the tip of the antler. We need to evaluate our 43 years of experimentation in trying to make deer hunting in Kansas work. The problem is very complex but we have a Department of Wildlife and Parks comprised of knowledgeable and dedicated people, a Commission appointed from across the state with varied backgrounds and recreational interest and we have a Legislature made up of 165 people who, I am convinced, want to do what is best for Kansas.

To sum it all up we ask you to honor the KDWP Commission's request and pass HB 2115.

Beyond that we ask, on this our 100th anniversary, you allow the KDWP working with you to take a new look at deer hunting and devise a plan of action that brings us together rather than drives us apart.

Thank you for your time and attention.

Paul Babcock
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Ch. Don Myers
House Wildlife, Parks and Tourism Committee
State Capitol - Rm. 448-N
300 SW 10th Ave.
Topeka, KS 66612-1504

Chairman Myers, please enter this document into testimony at the Hearing for proponents of H.B. 2115 as scheduled for February 2, 2005 in Room 241-N of the State Capitol.

Dear House Wildlife, Parks and Tourism Committee Members:
Rep. Virginia Beamer, Rep. Geraldine Flaharty, Rep. John John Grange, Rep. Gary Hayzlett, Rep. Patricia Kilpatrick, Rep. Margaret Long, Rep. Judy Morrison, Rep. Lynne Oharah, Rep. Candy L. Ruff, Rep. Clark Shultz, Rep. Dale Swenson, Rep. Mark Treaster, Rep. Shari Weber and Committee Chairman, Rep. Don Myers

When Senate Bill 364 was approved in the 2004 Kansas legislative session, the rights of Kansas resident hunters were infringed upon for the benefit of non-residents. While our legislators were led to believe the new laws were best for their constituents, resident taxpayers realized their access to our state's wildlife resource had been further eroded.

Generations of Kansans have enriched their lives enjoying all forms of outdoor activities and hunting has always been high on the list. I have considered it my heritage and my right as a taxpaying Kansas citizen. The enthusiasm for pursuing Kansas game was enhanced with nearly unlimited opportunity to access public and private land. Landowners were generous as long as the permitted trespasser was careful not to do harm. Many friendships were established and some lasted for entire lifetimes.

Some landowners are enticed into exploiting the wildlife resource residing on their property because they are being unfairly taxed by inflated valuation as a result of the value placed on the wildlife. Such tax is unfair because Kansas landowners can't claim ownership of the wildlife. Therefore, it does not add intrinsic value to the land.

Nevertheless, hunting opportunity on property with desirable habitat is being sought at an alarming rate. With each passing year the Kansas resident whose income doesn't permit him to secure such property for hunting purposes sees his opportunity to enjoy this revered tradition rapidly slipping away. Even though part of the

tax withheld from his paycheck is spent to support this very resource, he is losing access to it. Public land isn't a realistic alternative: very little exists in Kansas and it receives excessive hunting pressure.

In 2003 the permission two friends and I had been given to hunt two separately owned properties was revoked when the landowners phoned and explained the properties had been leased to large outfitters. I was fortunate to be able to travel and hunt on land owned by family members in Lincoln and Harvey counties, as well as the Kanopolis wildlife area. While unsuccessful at harvesting a deer at any of the three locations, (Kanopolis had heavy hunting pressure) I was able to hunt on another property near home in Sheridan County which had been vacated by the previous hunter.

Hopes of increasing commerce within the state by making our deer herd more accessible to non-resident hunters cannot be accomplished by limiting resident archery hunters to a specific area within the state. Consider the economics of the situation. Take into account the amount of money Kansas resident hunters contribute to the economy in a lifetime of hunting. Many of us travel extensively in our pursuit of not only deer but other game species as well. I feel confident the contribution we make to the Kansas economy in purchases of outdoor goods and services, vehicles, licences, permits, fuel, lodging, etc. AND TAXES, is far more substantial than that of non-resident hunters. Our dollars are spread among a larger diversity of Kansas taxpaying businesses. I think of it as "intrastate resident tourism". The non-resident hunter's dollars are typically paid to a single business and his higher value hunting equipment was most likely purchased in his home state. What advantage is there to laws which infringe on and will eventually destroy entirely the rights of resident taxpayers to enjoy their wildlife resource at its maximum potential?

Kansas bowhunters invest significant amounts of time and money developing habitat and improving living conditions for the quarry they seek. They recognize and treat wildlife as a resource for sustenance as well as sport; therefore, recognize an obligation to invest in the well-being of those animals. Kansas bowhunters strive to live by a code of ethics which require respect and reverence for nature and the enrichment hunting adds to their lives. Kansas bowhunters want to preserve our Kansas hunting heritage and non-discriminant rights for all future generations.

I respectfully request that the Kansas House Committee for Wildlife, Parks and Tourism endorse House Bill 2115 to repeal and abolish the mandate which requires the establishment of archery deer management units in the State of Kansas. Thank you.

Paul Belovich