

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:45 A.M. on March 4, 2005 in Room 423-S of the Capitol.

All members were present except:

Tim Huelskamp- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department

Lisa Montgomery, Revisor of Statutes Office

Gina Poertner, Committee Secretary

Conferees appearing before the committee:

Representative Candy Ruff

Chris Tymeson, Kansas Department of Wildlife and Parks

Frank Meyer, Wildlife and Parks Commission

Jerry Keller, Cottonwood Falls

Shawn Harding, Kansas Bowhunter's Association

Dan Rudman, Douglas County

Mike Nickels, Kansas Outfitters.

Jim Aller, Wolf River Outfitters

Jim Call, Call of the Wild Outfitters

Ron Nicholson, John Deer, Retired

Others attending:

See attached list.

After calling the meeting to order, Senator McGinn presented the minutes from February 10th, 17th, 18th, and 22nd. Senator Taddiken made a motion to approve the minutes with Senator Ostmeyer seconding the motion. The measure was approved by voice vote.

Raney Gilliland was asked to brief the Committee on **HB 2115**. Following the briefing, Chairman McGinn recognized Representative Candy Ruff who testified in support of the bill (Attachment 1). Rep. Ruff discussed changes from last year's proposal.

Chris Tymeson, Chief Legal Counsel for Kansas Department of Wildlife and Parks was then recognized (Attachment 2). Mr. Tymeson stated that so many layers of regulation complicates things. There are currently 13 statutes relating to deer.

Senator Taddiken asked if the hunter chooses the archery units. Mr. Tymeson confirmed this. He further asked if archery permits are statewide. Mr. Tymeson stated they are indeed.

Senator McGinn introduced Frank Meyer of the Wildlife and Parks Commission, who spoke in favor of the bill (Attachment 3).

Jerry Keller of Cottonwood Falls, Kansas was recognized by the Chairperson to give favorable testimony to the bill (Attachment 4).

Shawn Harding of the Kansas Bowhunter's Association was next to stand in support of the bill (Attachment 5). Mr. Harding stated that putting bowhunters in units decreases the success rate.

Dan Rudman of Douglas county presented testimony in support of the bill (Attachment 6). He stated that the passage of **HB 2115** would restore the bowhunter's ability to be an effective means of managing the deer population in Kansas.

Mike Nickels of Old School Guide Service was recognized (Attachment 7). He presented testimony in opposition to the bill stating that the bill supports poor permit distribution.

CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:45 A.M. on March 4, 2005 in Room 423-S of the Capitol.

Senator McGinn recognized Jim Aller of Wolf River Outfitters (Attachment 8). He opposed the bill by saying that this legislation would harm business owners, landowners, and employees of resident outfitters.

The Chair then introduced Jim Call of Call of the Wild Outfitters for his statement in opposition (Attachment 9). He stated that passage of **HB 2115** will send revenue out of state and hurt the business of resident outfitters.

Ron Nicholson, retired from John Deere, gave comments but no written testimony. He discussed the sale of buck tags, such as on E-bay, for exorbitant prices. He also discussed Iowa's system and how this model could benefit Kansas.

Written testimony was submitted by Wes Traul and Keith Houghton of the Kansas Sport Hunting Association (Attachment 10).

Senator Teichman asked when the new regulations will be presented to the Legislature. Mr. Tymeson said they would be presented when the 2006 Session convenes.

Senator Pyle asked about KDWP's position on last year's bill amendment. According to Mr. Tymeson, the KDWP opposed the amendment but supported the bill. **SB 363** was a compromise.

Senator Taddiken asked how deer management is best accomplished, in units or statewide. Mr. Tymeson stated that the current management practice of allocation of permits is 43 years in the making.

Senator Pyle asked how many doe tags would sell. Lloyd Fox, KDWP Biologist, stated that a doe tag is typically purchased with a buck tag.

Senator Bruce asked if the herd can be managed regardless of the system used. Mr. Tymeson stated that is what is going to be done.

Senator Ostmeyer asked for the success ratio of bow hunting to rifle hunting, to which Mr. Tymeson replied that they are about the same, 50%.

Senator Bruce asked if there has ever been an Attorney General's opinion requested as to the disparity in treatment. Mr. Tymeson stated there has not and that the AG's office would come to KDWP for its research.

Seeing no further questions, the meeting was adjourned at 9:45 a.m.

SENATE NATURAL RESOURCES COMMITTEE

Guest Roster

3/4/05

Name	Representing
Jim Aller	KOA & Wolf River Outfitters
Jim Call	KOA call. of the wild outfitters
Alan Ballard	self
Ron Nicholson	Bow Hunter
Jim Slapper	Bow Hunter
Bryce Johnson	self
KEN FISHER	KS. BOWHUNTER
Charles L Bisnette	TOPEKA BOWHUNTER CLUB
GARY HUNSICKER	" " "
Dave Eaton	KS. BOWHUNTERS ASSN.
Larry Beyer	self
Jerry Keller	self
SHAWN HARDING	KANSAS BOWHUNTERS ASSN.
Randy Smith	KBA
David Baho	KBA
Mike Nickels	NICKELS FARMER / KANSAS OUTFITTERS
Glenn Fox	KDWP
Mike Joyce	KDWP
Chris Tymeson	KDWP
Frank Meyer	KDWP
Whitney Damsen	KS Sport Hunting Assn.
Mike Beam	KS LUSTK ASSN.

L. CANDY RUFF
 REPRESENTATIVE FORTIETH DISTRICT
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TOPEKA
 HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 RANKING MINORITY MEMBER: COMMERCE & LABOR
 MEMBER: FEDERAL AND STATE
 AFFAIRS
 WILDLIFE, PARKS &
 TOURISM

To: Senate Natural Resources Committee

From: Rep. L. Candy Ruff

Re: Hb 2115

* Passing 2115 is basically righting a wrong from 2004. The bill that forced unit archery was special-interest politics at its worst. It was tacked on to a very popular bill very late in the session, with misinformation given to legislators, and next to no time allowed for constituent response. It was done in an ugly way, and Kansans now know that. The passage of 2115, which was done in the proper way – through the proper committee, with plenty of constituent input – will help restore some faith in the political system to those who voted you into office.

* Those who want a better distribution of non-resident archery permits have a valid concern, but it's one that's already being addressed by Wildlife and Parks and the Kansas legislature. In 2003 many of those in Topeka passed a law limiting transferable deer permits to a county, rather than allowing them to be statewide for archery or unit-wide for firearms. This system needs more than one year to take effect, and it will have an impact.

* Wildlife and Parks licensing officials say that several large-scale permit profiteers scaled-back how many archery permits they applied for in 2004 knowing they couldn't market them as easily. Also, some who did tried to horde permits, finding themselves with permits they couldn't sell. No doubt demand for large numbers of permits will be down this year.

* The current system of allowing permit preference to those who have applied the longest (called preference points) will allow more who have never had permits in the past to draw transferable permits this year.

* Also, KDWP, largely at the legislature's urging, is under a plan to annually increase non-resident deer permits 20% annually, including this year. Such an increase will assist those who haven't drawn permits in the past to be success this year.

* Thanks to the commercialization of deer, which has largely happened because of past legislative action, it's becoming increasingly difficult for Kansas residents to find places to hunt. Limiting them to units will make that even more of a problem.

* Some bow hunters have spent up to 40 years making landowner contacts under the state-wide permit system. To change the rules now would be unfair.

* Bow hunters also need the freedom of travel to help control deer numbers where populations have gotten too high. This past fall Leavenworth had its first specially-managed in-town archery season on deer. Kansas bow hunters safely harvested 40 deer that were a severe danger to vehicles on city roads. Surely more cities will follow Leavenworth's successful lead. Archers from all parts of the state need the mobility to travel and help-out as more urban seasons are created.

* This is an issue that had already been voted upon by a state governing board. After talking with biologists, and hearing public input, in January, 2004, the Kansas Wildlife and Parks Commission voted 6-0 NOT to restrict archers to units. Such a move certainly deserves legislative respect. It's the bi-partisan commission's primary purpose to manage the wildlife of Kansas. Unlike those who pushed for unitization said in 2004, the commission has only one bow hunter on board, and at least at least three of the commissioners don't even hunt. They're qualified to make unbiased decisions, with no conflict of interest.

* Finally, this is an issue that has been properly addressed by the voters of Kansas. Surely all legislators heard from constituents on the issue, and their disapproval is very evident. From formulation of the bill, through the committee process and even during the political wrangling when it appeared 2115 appeared it might not make it before the house, they stayed diligent, yet polite, and repeatedly asked us to support their cause.

Kansas Legislature / Topeka Capital-Journal

Ruff: Bow hunter arrives to say his piece

Week of Feb. 7, 2005

By Rep. L. Candy Ruff, D-Leavenworth

Special to the Capital-Journal

Randy Smith had no intentions of mincing his words. An outdoorsman, archer and deer hunter, he knew the natural world of Kansas. More comfortable in the woods, he seemed oddly out of place in a Capitol committee room. Whether uncomfortable or not, he arrived in Topeka to say his piece.

Kansas lawmakers acted last session in the interest of profit-making outfitters, he insisted, not the state's 17,000 bow hunters. Holding his testimony in hands roughened by hard work, he told a straightforward story. A provision slipped into a conference committee report at the end of last year's legislative session restricted archers. Because of this new law, they may only hunt in designated regions or units.



Rep. L. Candy Ruff

That hemmed-in feeling just wouldn't do, Randy explained in a clear determined voice. Since bow hunting required a license some 40 years ago, archers could hunt statewide. One among many bow hunters to fill the committee room in support of HB 2115, he laid out the circumstances that would right last year's wrong. Parks, Wildlife and Tourism Committee members learned how passing the proposed bill gave back to archers the right to hunt statewide.

The bill is the easy part to understanding deer hunting in Kansas. For years, bow hunters found farmers willing to allow them access to their land. Things changed for the worst when landowners received approval to draw by lottery a deer tag, which they resold to outfitters. Done at the time to assist farmers in controlling the deer on their land, the policy's aftermath has more to do with dollars than deer.

Out-of-state outfitters flooded the market on deer tags, then leased up familiar hunting locations, effectively keeping Kansas archers walled out. Randy took lawmakers through each step, naming the culprits at all levels. The burly, red-bearded man then turned his attention to the bottom line.

What had once been a sportsman's agreement between archers and landowners evolved into money-making propositions that left bow hunters out of luck and out of areas to hunt. Randy Smith, however, hadn't a solution to stop the profits of greed who have invaded his sport.

For now, he and fellow Kansas archers just want their state back.

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KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2115 relating to the Repeal of Archery Management Units
To
Senate Committee on Natural Resources**

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

4 March 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 2115 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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3/4/05
Attachment 2

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.

Addition to January 20, 2005 Agenda

The Kansas Department of Wildlife and Parks Commission Supports House Bill No. 2115 sponsored by Representative Ruff, which would amend K.S.A. 2004 supp. 32-937 by removing language requiring the Kansas Department of Wildlife and Parks to establish archery management units for deer.

Mr. Chairman I move adoption ---- Frank Meyer

Passed unanimously

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

MEMO

To: Legislators and Staff
From: Christopher Tymeson, Chief Counsel, KDWP
Re: Archery Units
Date: 4 March 2005

To understand the current debate about archery units, you must first understand the history of deer permits and seasons. Kansas has two species of deer, the mule deer and the whitetailed deer. Mule deer exist in the western third of the state and whitetailed deer range throughout.

The first modern deer season in Kansas occurred in 1965. At that time, there were very limited permits, both archery and firearms. Firearms permits have always been allotted to deer management units. DMU's were established using highway boundaries and designed to prevent overharvest of deer in particular areas as well as balance hunting pressure. Eighteen firearms units were established initially. Today, we have nineteen standard firearms units and at times, other special units located throughout various areas of the state to increase or decrease pressure in select areas. Archery permits have always been valid statewide, for either species, either sex, until this coming season.

As deer numbers increased over time, so did permit types and allocations. Hunt-on-your-own-land permits and landowner-tenant permits were among the first. Then, in 1993 based on statutory mandate, nonresidents were allowed to hunt deer in Kansas for the first time. In 1993, all limited deer permits, resident and nonresident, were allocated on a completely random draw basis. In 1999, the department offered whitetail either sex permits over the counter to residents, meaning no draw for a single species permit.

In 2000, the Legislature created nonresident transferable permits and doubled the authorization for nonresidents. NRTP's made up fifty percent of the nonresident permits available. The other fifty percent of the permits went to general nonresidents. The NRTP's were issued to landowners in a separate drawing that preceded the general nonresident drawing and landowners awarded those permits could transfer those to any nonresident or resident for any fee. Thus fifty percent of the permits were guaranteed to landowners to sell directly to hunters and make money from those permits, offer hunts on

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their property to hunters or sell to middlemen (brokers, guides and outfitters) who could then make additional profit.

Two years later, landowners and general nonresidents desired a stratified or modified draw system with preference points for not drawing a permit. This allowed consistency in the drawings and landowners could plan for hunters and income. General nonresidents could also plan to time hunts accordingly.

In 2003, as a result of the Deer Management Working Group, made up of department officials, landowners, legislators, guides and outfitters, and other members of the deer hunting community, the Department brought forth a bill that limited the area that NRTP's were valid in exchange for increasing overall nonresident permit numbers. NRTP's were limited to a county and up to one additional county in which the landowner owned land. So, this special class of permit, both archery and firearms, were limited to a very small area to correlate with the landowner's property.

Some enterprising guides and outfitters had a large number of landowners applying for these permits and consequently, when coupled with a preference point system and the allocation of these special permits to a small area, began to draw a larger share of the permits into their area on the statewide archery permit basis. The response from other landowners, guides and outfitters was to rather than allocate archery permits on a statewide basis, as was the way it was done for forty years, allocate permits on a unit basis so they could be guaranteed permits in areas they operate.

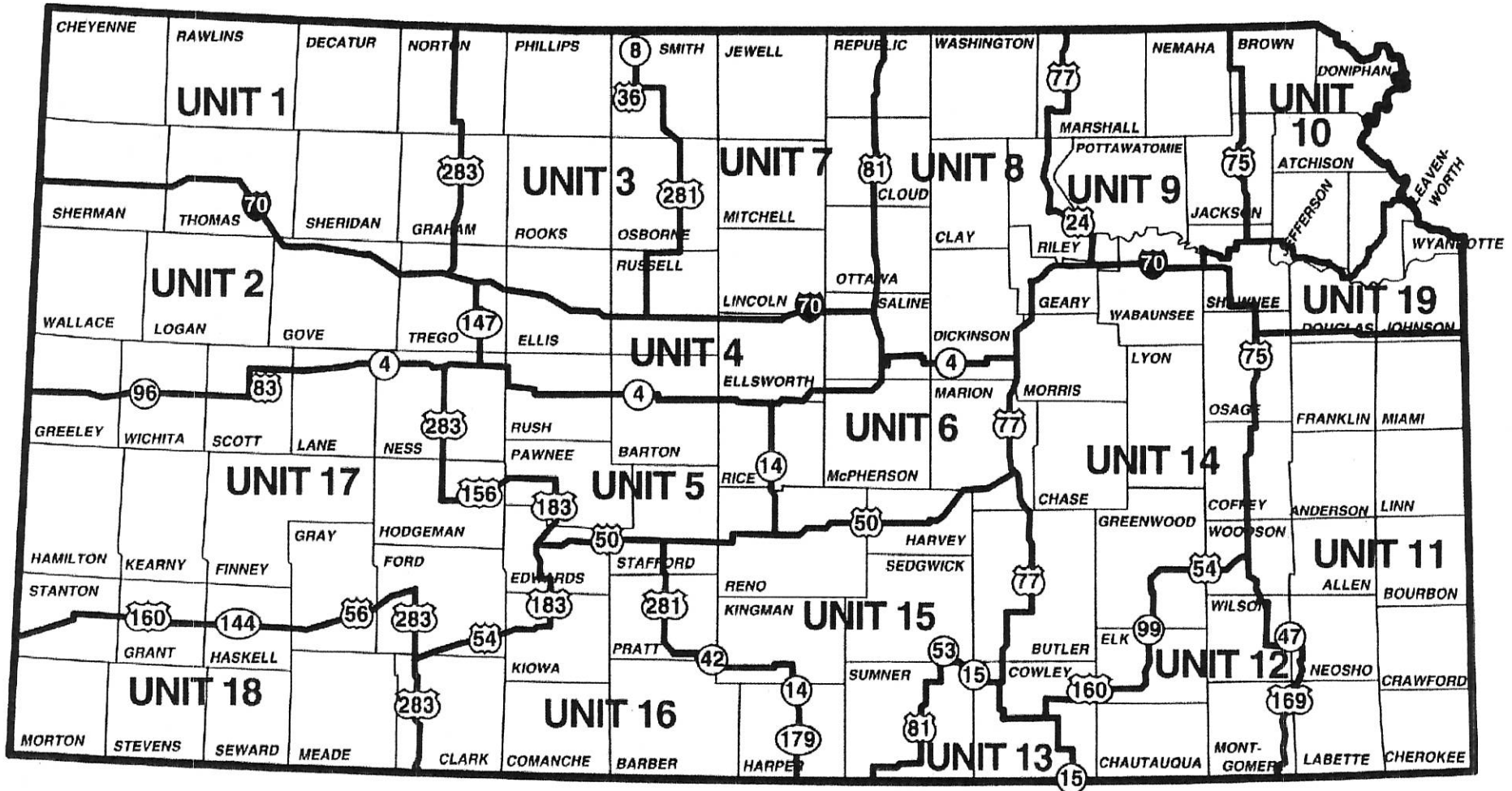
The real issue is that when these other outfitters tried to allocate permits to archery units, they attempted to place restrictions on nonresidents only. However, regulating residents and nonresidents differently is triggering legal battles across the country. As such, the Department testified against the attempted amendment to SB 364 in House Parks and Tourism, the basis being that residents and nonresidents must be restricted equally to units for the same types of permits. In addition, the Department had offered archery management units as an alternative to the KDWP Commission in previous years and the Commission had rejected those units. Therefore, the Department also opposed the amendment based on the policy set by the Commission. Despite those objections, the Committee passed out the amended bill, restricting residents and nonresidents alike to archery units. The amended bill was later stopped in the Senate. However, in conference committee for SB 363, the amendment mandating archery management units was placed onto the bill.

At that point, the Department sought to soften the blow to resident archers and requested no more than six archery management units and no implementation until 2005. The original amendment sought a minimum of 18 archery management units and an effective

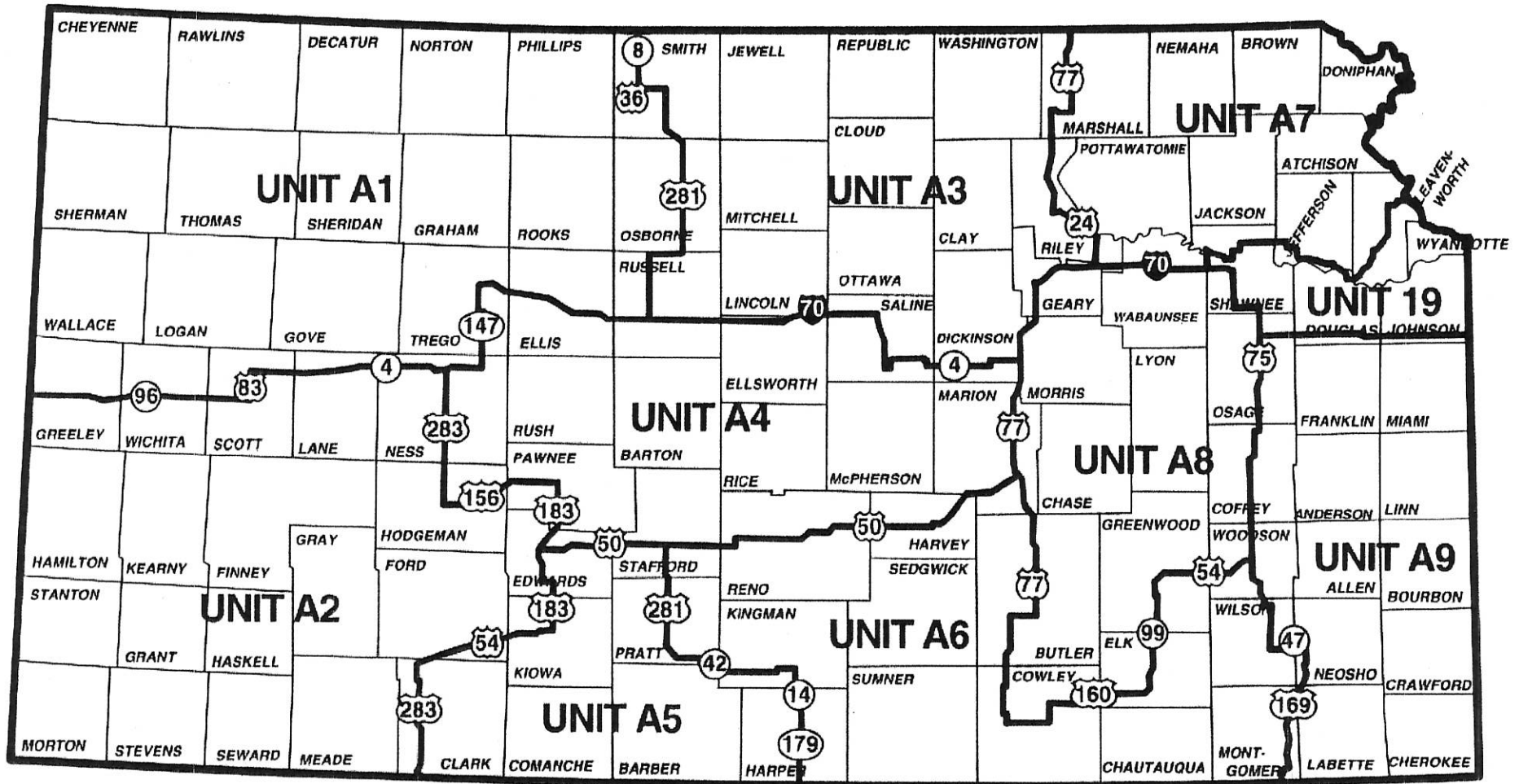
date impacting the 2004 season. Ultimately, the amendment settled at a minimum of nine archery management units with an effective date of the 2005 season.

As such, the Department has started the regulatory process to implement archery management units. The Department created ten archery management units as of January 20 at the Commission meeting in Topeka and is further proposing that all archery permits would be valid in two archery management units plus Unit 19 (following the I-70 corridor from Topeka to Kansas City). The archery units only apply to antlered deer. Antlerless deer may still be hunted statewide, depending on the type of permits authorized for a particular area. The Department feels this is a compromise between the mandated archery management units and archery hunter use, as Department surveys show that approximately 85% of archers use two units or less in which to hunt.

KANSAS DEER MANAGEMENT UNITS (AS OF JANUARY 2005)



KDWP PROPOSED ARCHERY UNITS (JANUARY 2005)

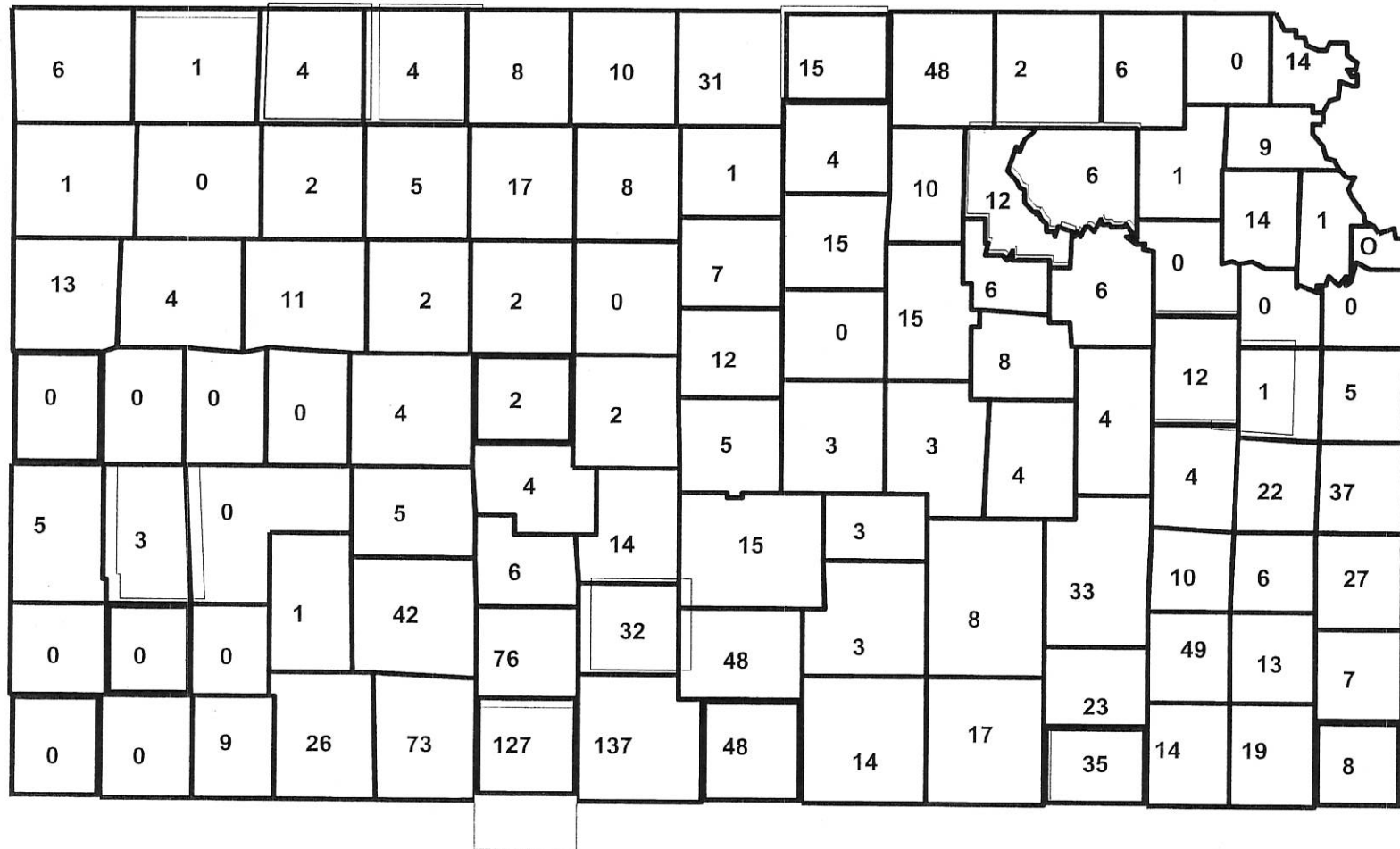


NONRESIDENT WHITE-TAILED DEER EITHER SEX ARCHERY PERMITS IN 2004

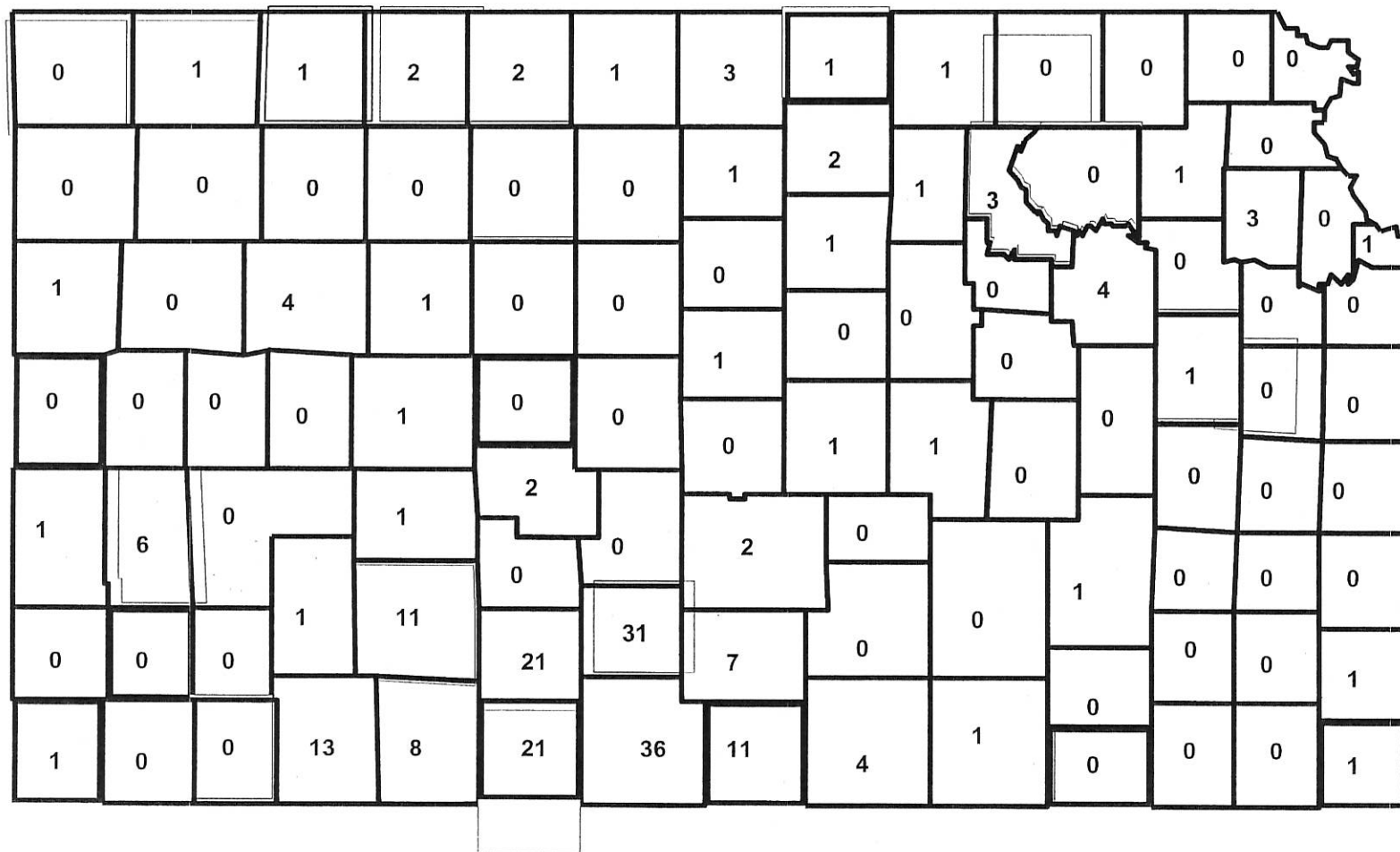
HUNTTYPE = ASWE

Frequency	NUMBER OF NONRESIDENT ARCHERY PERMITS BY UNIT BY CLASS				Total
	UNIT	CLASS(CLASS)			
		L	N	Y	
	LANDOWNER OBTAINED BUT DID NOT TRANSFER	NONRESIDENT PURCHASED DIRECTLY FROM KDWP	NONRESIDENT PERMITS TRANSFERRED BY LANDOWNERS		
	55	221	1626	1416	3263
Total		221	1626	1416	3263

Number of Transferable Nonresident ASWE Permits Valid in Each County. (Only the first county listed by the landowners were included.)



Number of transferable nonresident ASWE permits valid in each county that were not transferred. (Only the first county listed by the landowners were included.)



March 4, 2005

**Testimony Encouraging passage HB 2115
Senate Natural Resources Committee**

(H B 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 McGinn 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.

A few weeks 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.

*Senate Natural Resources
3/4/05
Attachment 3*

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.

Senator McGinn & Committee Members

My Name is Jerry Keller and I am from Cottonwood Falls.

I am a proponent of SB 2115.

I have bowhunted in Kansas for thirty years.

I would like to see the Archery season be returned to hunting statewide as before. In my opinion restricting bowhunters to units would not help to manage our Kansas deer herd.

Bowhunters not being able to travel statewide to hunt will also have a negative impact on the local economies, with a loss of revenue.

The ability to hunt statewide also served to promote a camaraderie between families and Friends.

I am asking you to discuss SB 2115 and to vote as the House committee and pass in on to the full senate for debate and ratification.

THANK YOU

Jerry D. Keller
Cottonwood Falls

Senate Natural
Resources
3/4/05

Attachment 4

3/4/05

Senate Natural Resources Committee
Senator Carolyn McGinn, Chair

RE: HB2115

Chairman McGinn and Committee,

Thank you for hearing HB2115.

The Kansas Bowhunter Association has always been a proponent of sound game management. We have been asked over the last 6-8 seasons to step up our efforts to reduce the whitetail deer population and have worked to appease the requests of the Legislature by doing so. We ask that you recognize that deer hunting with a rifle and deer hunting with a bow have the same goals but the strategies are very different. Limiting a resident bowhunter to specific units may in fact lower our success rate and hurt our efforts to manage.

Hunting areas are harder to find and the language doesn't allow a bowhunter to make use what little public ground is available because it is scattered over the whole State. Many bowhunters have established friendships in multiple areas of the State and help financially support those communities with stays at motels, eating at local restaurants, buying groceries and sporting goods. This may be done several times during the course of the archery season. Units on residents hurts the State.

We understand that KDWP has been asked to develop a new permitting model for the legislature to consider in 2006. That model will need to pay close attention to all user groups but more importantly a valued resource and tradition. We feel that the restrictions on the resident bowhunter were implemented to fix a permit problem that is affecting the outfitting industry in our State. We have warned of these issues for years and do not understand why the resident bowhunter is the one that is penalized..

We ask that you pass this bill to eliminate the language that restricts your resident bowhunting constituents.

Respectfully Submitted,
Shawn W. Harding, Legislative Chair/N.E. Representative
Kansas Bowhunter Association

P.S. All affected parties should be involved in the process that redefines the permit system and hopefully we can stop this process of "tacking on" regulations year after year. KDWP is challenged with this task and the KBA will offer any assistance they ask, as long as it helps maintain a healthy resource and affords access to the resident participants.

Senate Natural Resources
3/4/05
Attachment 5

To The Senate Natural Resources Committee:

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 bow hunting, civil action by non-residents, etc. While I concur with concerns for inconvenience and loss of opportunity for bow hunting (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, the Kansas deer herd became nationally known as one of the great North American Game Management Success Stories. In the past ten years, we have watched as the **very system** that created this incredible resource has been exploited and slowly dismantled. Legislation has increasingly been levied that has created a "gold rush" of sorts for deer and subsequent land. 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 while maintaining a high standard for the resource and opportunity,

This present legislation is needed to help recover from a "reactionary" piece of poorly developed legislation this past year. Bow hunting is one of the strategic tools needed for management. 17,000 resident bow hunters harvest approximately 7,000 deer. This number is already 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 serious about conservation and tradition. Given this, the bow hunter is already limited in our impact on the herd. 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.

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.

Senate Natural Resources
3/4/05
Attachment 6

Nickels Farms
17100 Fairview Rd
McLouth, KS 66054
785-863-3465
nickelsfarms@yahoo.com

Dear Senators,

3-4-05

My name is Mike Nickels and I am here to speak in opposition to HB 2115. As a farmer, outdoorsman, and land management consultant I wish to **recommend applying archery deer management units in Kansas** for the following reasons:

1. Deer management units have worked for over 70% of deer hunters in Kansas during the last 40 years.
2. KDWP will be able to focus hunting pressure to areas in the state where it is needed most, not least. Last year's legislation was a step in the right direction. HB 2115 will continue the trend of poor permit distribution as noted in the following data from KDWP:

In 2004, Unit 19 counties' share of Landowner Transferable Archery Permits were:

Shawnee	0
Douglas	1
Jefferson	18
Leavenworth	3

As compared to areas with fewer deer per square mile

Comanche	175
Barber	187
Kiowa	125
Kingman	66

3. More fairly distribute archery permits to landowners state wide who have turned to agritourism as a much needed source of additional farm income.
4. Archery units will not adversely affect resident's ability to hunt. KDWP hunter surveys show that fewer than 1 in 5 archery hunters hunt in an area away from home. For the select few the KDWP proposal would allow 3 times more choices for archery hunters that for other resident deer hunters. Bowhunters would be able to select from larger units and choose 2 to hunt, plus hunt Unit 19. All other Kansas deer hunters must choose one of the smaller units only. They may hunt Unit 19 only if their selected unit is adjacent to Unit 19.

Again I wish to thank the committee for the opportunity to speak and respectfully request this committee not support HB 2115.

Thank you,

Mike Nickels

Senate Natural Resources
3/4/05
Attachment 7



**P. O. Box 195
Hiawatha, Kansas 66434
785-741-3000**

Dear Honorable Senators:

My name is Jim Aller of Wolf River Outfitters LLC. I am a lifelong resident of Kansas. I have been in business for myself for the last 21 years and in the outfitting business for my 11th year. My entire family is involved in this business. I represent 24 employees, and 36 landowners, as well as myself. These are all Kansas Residents who pay taxes in our state as I do.

My hope today is that all of the people on this committee will take the time and try to understand the repercussions, which will occur if it is allowed to pass. Please don't rush through this process without finding the full details, as it will harm the resident business owner, landowners and employees of all the resident outfitters.

The facts have been misleading for this repeal action. The only people to have an advantage from this happening are the large out of state outfitters. Killing of this bill will benefit the resident outfitter, landowners, employees, and all of the small rural economies in Kansas. The resident archer would have a vast area to hunt. They would have from 3-7 rifle units to hunt, not limited to one as some legislators have been led to believe. As you can see from the previously handed out maps, the

*Senate Natural Resources
3/4/05
Attachment 8*

archery units are made up of 1-3 rifle units. They are also allowed to choose 2 archery units as well as unit 19. Therefore, there is a very large area for bow hunters to hunt. They are not being restricted except by their imagination. Rifle hunters are being restricted far more severely. The Kansas Department of Wildlife and Parks initiated this legislation as a deer management tool. The people backing this bill profess to be in favor of deer management in the state. We wonder then why they are not in favor of managing the deer in this way? The reason is it is taking away something they have had their way for over 40 years. That is their only answer other than archery hunters don't influence harvest. If this is the case, let's make archery tags over the counter for both resident and non-residents. I am not in favor of this. This is not the proper way to manage the deer herd for trophy potential. HB2115 is also not the proper way to manage the deer herd. Passing HB2115 will allow the over harvest of deer in SW Kansas, fill the pockets of non-resident outfitters, funnel money out of state, cause more employees of resident outfitters to not be hired for more hours of work and reduce increased monies for our economy.

**PLEASE KILL HB2115
MANAGE FOR DEER
SUPPORT KANSAS BUSINESSES AND PEOPLE**

THANK YOU

JIM ALLER

I'm Jim Call a lifetime resident of Kansas and member of Kansas Outfitters Association.

I've set on the board with other organizations to introduce HB2253 on poaching and illegal hunting in Kansas.

Kansas has grown into one of the Top Premier places in North America for Trophy Whitetail Deer hunting.

Game Management has played a big part in preserving our Trophy Class Deer throughout our state.

Rifle Units for Residents and Non-Residents were established in Kansas for Game Management and placing Hunters throughout the State.

Residents can buy Game Tags over the counter for the Unit of their choice.

Non-residents send in an application for a drawing to be held May 31st for the Unit of their choice. If unsuccessful in the drawing they receive a preference point for the next year's drawing.

This has worked out great and fair for all and could be applied the same way with Resident and Non-Resident Bow Hunters using the same Units as the Rifle Hunters do.

I am for Units and Game Management.

I OPPOSE House Bill 2115

I appreciate your time and consideration on this important issue.

THANK YOU,

Jim Call

Call of The Wild Outfitters

Website: <http://www.callofthewildoutfitter.homestead.com>

callofthewildoutfitters@cox.net

jcall1@cox.net

*Senate Natural Resources
3/4/05
Attachment 9*



**P. O. Box 195
Hiawatha, Kansas 66434
785-741-3000**

Honorable Kansas Senators:

The 50+ business members of the Kansas Outfitters Association request that each of you research HB2115 and what the repeal of last year's legislation would do to the RESIDENT outfitter. The bill will only benefit the NON-RESIDENT outfitter. The members of the Kansas Bowhunters Association are backing a bill that will retain them statewide archery hunting which they have historically have had available. Also, legislators are being misled about how the resident archer will be treated. They are not being limited to one rifle unit. They will be allowed 2 ARCHERY UNITS. These archery units consist from 1 to 3 rifle units. They will also have access to Unit 19. Therefore, the resident archer will be able to hunt from a minimum of 3 rifle units to 7 rifle units depending upon their choices. This can be almost half of the State of Kansas. Very few archers will hunt more then 1-2-rifle units, let alone 7 rifle units or more. Repealing current law will not hinder the resident archers in their pursuit of bow hunting.

The ones who will benefit from this bill are as stated above. The non-resident outfitter loves the permits statewide. The reasons for this are easily understood.

- 1. They are able to put in large numbers of applications not only for the general non-resident draw, but also for the landowner/tenant transferable drawing. This results in the number of permits being drawn going to these people in a disproportionate percentage.**

- 2. Due to the statewide classification, their large number of applications that aren't drawn also gives them preference points for the next year's drawing, which will give them an edge over the resident outfitters who don't have the financial backing like these huge corporations have at their disposal.**
- 3. Non-resident outfitters have bragged that they will control the archery draw in Kansas as long as it is of the statewide permit designation. They weren't bragging as they do control it.**

Passage of this bill will keep huge amounts of revenue going out of state. Killing this bill will keep resident outfitters in business. It would keep resident guides, cooks, drivers, etc. employed by these resident outfitters. The resident outfitter will pay wages, taxes, fuel, lodging, food, etc. in the state of Kansas. Keep the resident taxpayers in business. Please stop passage of HB2115.

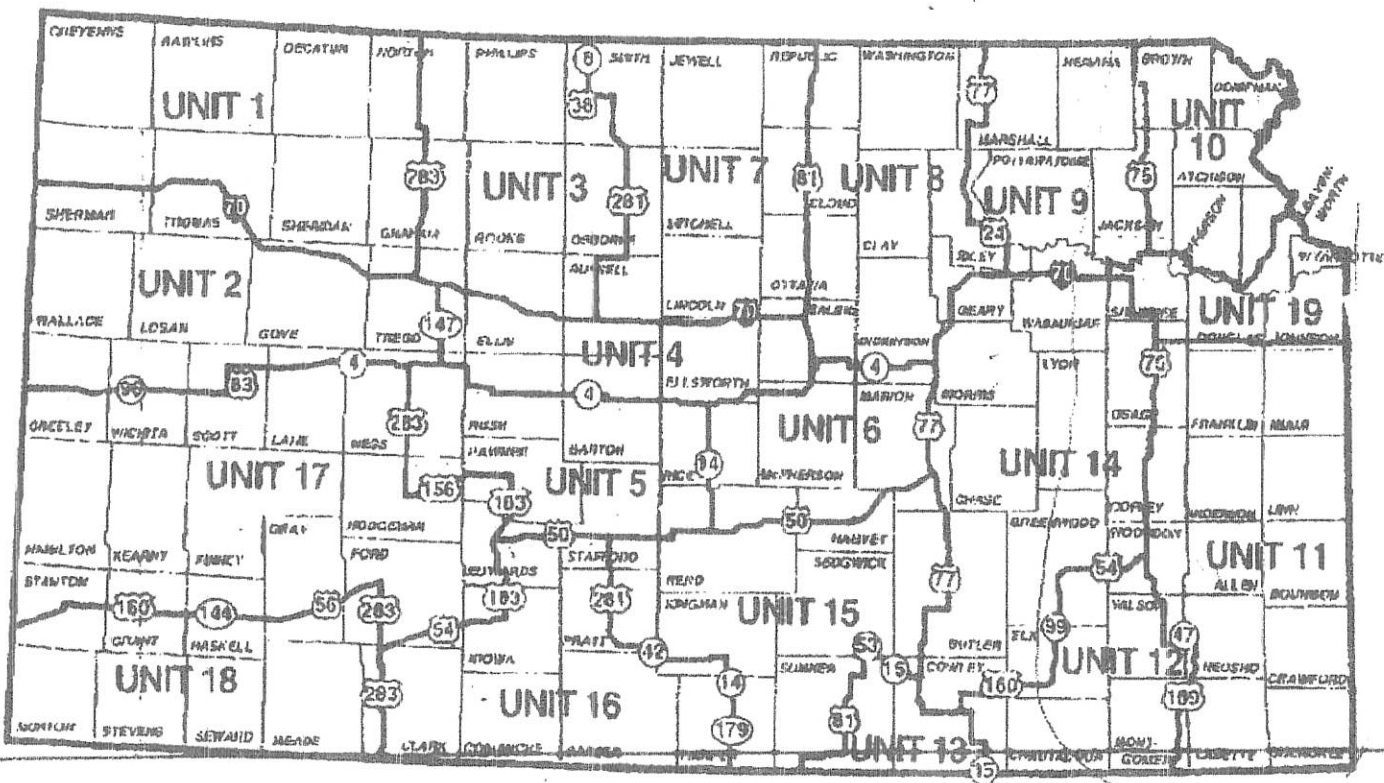
Thank You,

Jim Aller
Kansas Outfitters Association Members

9-4

Figure 2 Current Deer Firearms Deer Management Units

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PAGE 02

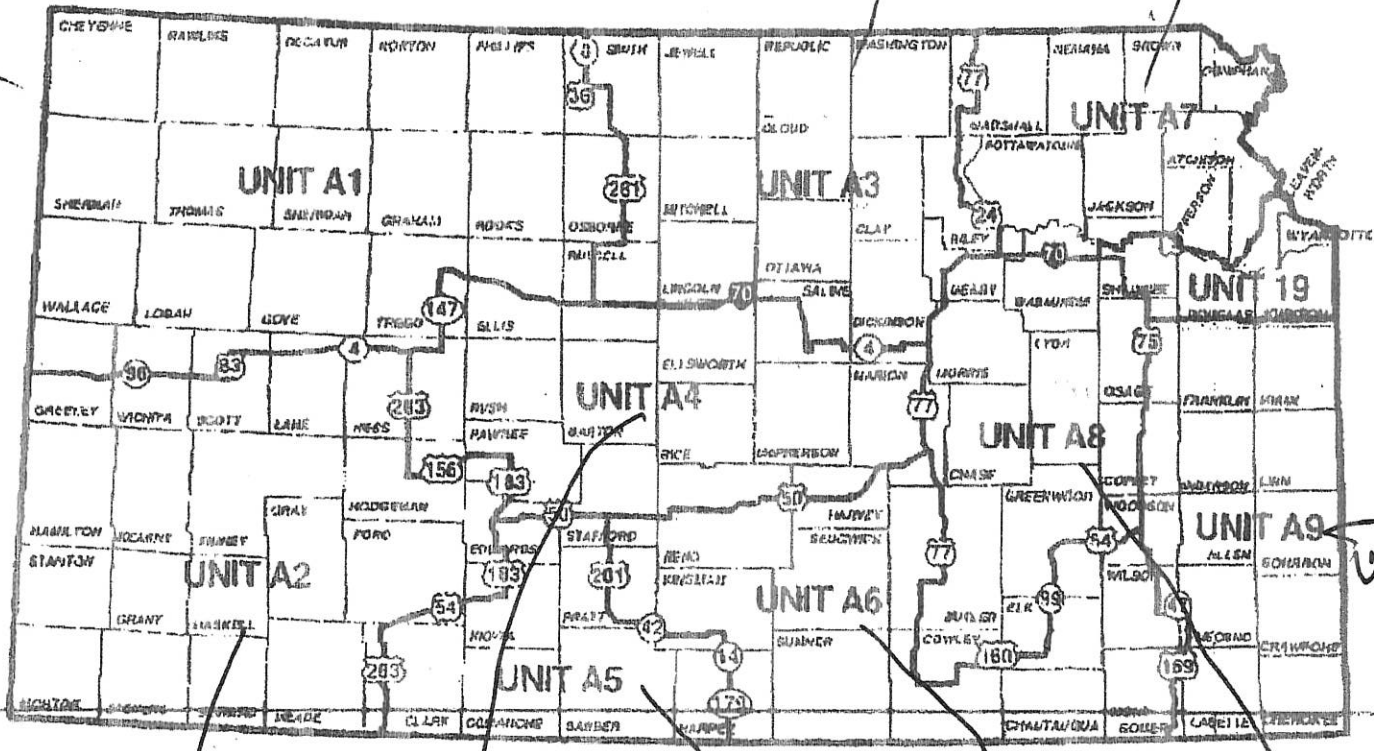
9-3

Includes Rifle Units 7 & 8

Includes Rifle Units 9 & 10

Figure 1. Proposed boundaries for the archery deer management units in 2005.

Includes Rifle Units 1, 2 & 3



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KS WILDLIFE AND PARKS

TO: Senate Natural Resources Committee

FROM: Wes Traul & Keith Houghton,
Kansas Sport Hunting Association

RE: HB 2115 An act concerning hunting; archery
Management units for deer.

DATE: March 4, 2005

Dear Legislators:

Our apologies for not personally attending this hearing. The short notice in scheduling did not allow adjustment in our schedules.

The Kansas Sport Hunting Association represents and supports some 220-plus member business organizations consisting of hunting service providers, gamebird producers, and supporting industries.

Please consider these positions in your consideration of HB 2115.

- 1) The plan to establish archery deer management units passed this last year by the legislature has not been given an opportunity to be put into effect.
- 2) By using a unit system vs. a statewide system the herd is managed in a much more effective manner based on regional deer populations, not statewide populations.

- 3) With the unit systems, hunting pressure is managed in a much more reasonable fashion. Pressure can no longer flood a single unit, but is spread across the state based on herd population trends.
- 4) The preference points can no longer be banked in the case of transferable tags to draw an inappropriate number of tags in a single unit.
- 5) The overall health of the herd can be managed much more wisely on a unit basis vs. a statewide basis, thus improving the hunting opportunities for ALL archery hunters.
- 6) Please take into consideration the incredibly broad spectrum of habitat from eastern to western Kansas, making one-policy statewide herd management impractical.

As you review this proposal, please consider the possibility that the firearms management units might coincide with the archery management units to more effectively optimize hunting opportunities and management issues. We acknowledge that our Kansas deer hunting resources have become a difficult & charged issue. Especially the transferable tags that are restricted to specific counties, rather than a management unit, seem excessively restrictive. The equitable settlement of these ongoing issues would obviously be beneficial to constituents, and certainly appreciated by legislators!

Thank you for your consideration. We would be glad to answer any questions you might have.

Keith Houghton, President, Kansas Sport Hunting Assn.
(residence & business) 785-373-4835
(cell) 785-545-6406

Wes Traul, Legislative Affairs, Kansas Sport Hunting Assn.
(residence & business) 785-835-7090