

MINUTES OF THE HOUSE WILDLIFE, PARKS AND TOURISM COMMITTEE

The meeting was called to order by Chairman Don Myers at 3:30 P.M. on February 1, 2006 in Room 241-N of the Capitol.

All members were present except:

Representative Virginia Beamer- excused  
Representative Patricia Kilpatrick- excused  
Representative Ann Mah- excused  
Representative Clark Shultz- excused  
Representative Shari Weber- excused

Committee staff present:

Hank Avila, Kansas Legislative Research  
Lisa Montgomery, Revisor of Statutes Office  
Betty Caruthers, Committee Secretary

Conferees appearing before the committee:

Chris Tymeson, Chief Legal Counsel, KS Dept. Of Wildlife & Parks  
Mike Miller, Special Assistant, KS Dept. Of Wildlife & Parks

Others attending:

See attached list.

Moved by Representative Ohara, seconded by Representative Swenson for approval of Minutes of the House Committee on Wildlife, Parks & Tourism held on January 30, 2006 be approved.

Motion carried.

Chairman Myers asked for any bill introductions by Committee members or others. There were none.

Chairman Myers recognized Chris Tymeson who in turn introduced staff members of the Kansas Department of Wildlife and Parks who were present, including Mike Miller who then presented the Kansas Department of Wildlife and Parks Deer Task Force Preliminary Report to the Kansas Legislature prepared by a Deer Task Force of agency employees. (Attachment 1)

Mike requested that final changes and recommendations of this report be delayed until January, 2007. The Deer Task Force members want to hear input from numerous others throughout the state of Kansas. They will be doing this by way of the Department's website, Commission meetings, and public meetings held across the state beginning in late summer. Many changes are being looked at and they realize that this affects many people, not just deer hunters.

A final report from the Deer Task Force regarding the recommendations for changes in statutes will be presented to this Committee in January, 2007 with the hope of it remaining the same for at least a five year period.

There was a short discussion about chronic wasting disease on elk, deer, and moose which is different than mad cow disease.

Chairman Myers expressed appreciation to the Kansas Department of Wildlife and Parks for their work on this report.

Chairman Myers announced a hearing on HB 2561 on February 6, no Committee meeting on February 8, and a hearing on HCR 5034 on February 15.

Chairman Myers adjourned the meeting at 4:10.

Next Committee is scheduled for Monday, February 6, 2006.



**Kansas Department of Wildlife and Parks  
Deer Task Force Preliminary Report to the Kansas Legislature  
February 2006**

Mike Miller

This report has been prepared by the Kansas Department of Wildlife and Parks' Deer Task Force. The 10-member group of KDWP employees was assembled this fall, and was charged with reviewing deer-related statutes, regulations, permitting processes, and management programs. The task force was asked to recommend changes that would simplify deer-related state statutes and department regulations, maintain or improve hunting opportunities, and protect the deer resource. The group also examined current strategies to control deer numbers, minimize crop damage and vehicle accidents, while considering the long-term biological, social, economical and political impacts of its recommendations.

The task force has met nearly weekly since early November and has identified key issues. However, task force members feel that public input is necessary since any potential changes could affect a large number of deer hunters, landowners, and nonhunters. The Deer Task Force respectfully requests that the presentation of final department recommendations on statutory change be delayed until January 2007. This report includes issues and preliminary task force recommendations for discussion.

The following table and narrative provide background information for the 2005 deer permitting programs.

Permit type	Number issued
<b>General resident and Landowner/tenant Whitetail Either Sex permits</b>	53,127
<b>Resident firearm and muzzleloader Any-deer permits</b>	3,281
<b>Resident Archery permits</b>	18,464
<b>Whitetail Antlerless Only Game Tags (resident &amp; nonresident)</b>	50,027
<b>Whitetail Antlerless Only permits (resident &amp; nonresident)</b>	3,965
<b>Hunt-Own-Land permits (resident &amp; nonresident)</b>	11,146
<b>Nonresident Whitetail Either Sex firearms permits</b>	7,304
<b>Nonresident Whitetail Either Sex archery permits</b>	3,745
<b>Nonresident muzzleloader Any-deer permits</b>	197

In 2005, hunters were required to possess a permit that allowed them to take an antlered deer before they could purchase any of the antlerless only permits or game tags. Hunt-Own-Land permits, resident Whitetail Either Sex permits, Archery permits and Antlerless permits are unlimited (one either sex permit per hunter), and are sold over the counter. Any-deer permits, which allow the holder to take a whitetail or mule deer are limited and issued by a lottery draw. Hunt-own-land permits are good for any deer and are sold over the counter, one per hunter (must own a minimum of 80 acres for each permit).

A total of 11,842 nonresident permits were authorized for the 2005 season [K.S.A. 32-937 (2) -- 16 percent of the number of firearms permits and 21 percent of archery permits authorized for residents]. Fifty percent of the nonresident permits in each Deer

Management Unit are set aside for Kansas landowners, who must apply for and draw a permit during the regular application period and drawing. If they are successful, they may transfer the permit, with consideration, to another person. A total of 17,246 applications were received for nonresident permits in 2005 – 7,526 from Kansas landowners, and 9,720 from general nonresidents. However, four Deer Management Units (Units 6, 9, 10, and 11) had more permits available than applications received and 1,249 nonresident permits were left over after the initial drawing. Six hundred nonresident permits issued to Kansas landowners were never transferred.

Harvest for the 2005 season is not yet known. However, in 2004, approximately 76,000 deer were taken. Harvest success rates range from 45 percent for archery hunters to 52 percent for firearms whitetail hunters.

Key issues identified by the committee include:

Permit allocation and distribution should be a function of the Kansas Department of Wildlife and Parks, and opportunity to obtain permits should be fair and equitable. Comments from hunters, landowners and outfitters indicate an overwhelming dislike for the current transferable permit system.

The deer resource, especially mule deer in the west, must be conserved. Deer populations should be maintained within levels sustainable by the habitat and within tolerance levels of people for the damages and conflicts that deer may cause. Animal health issues must be addressed as they pertain to wild deer and captive cervid operations. Deer herd characteristics must be maintained within esthetic and quality standards desired by people.

Kansas' deer hunting tradition must grow. The complexity and restriction of current permitting procedures and regulations have kept the Kansas deer hunting tradition from being what it could be.

Stakeholder input is necessary.

The permitting process and hunting regulations can be simplified.

Deer hunting opportunities can be improved.

With those issues in mind, the committee assembled the following recommendations and is seeking input and debate from all deer resource stakeholders.

## Trend in Non-Resident Deer Hunter Demand for Kansas Deer Permits.

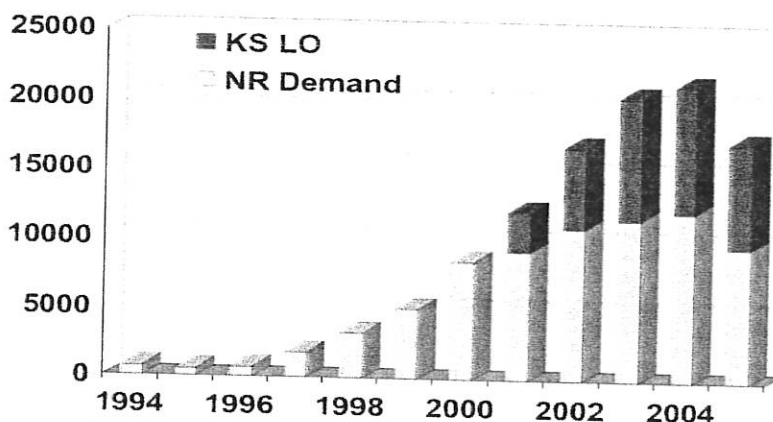


Fig. 1

- Based on nonresident permit demand (Fig. 1), it appears that unlimited Whitetail Either Sex firearms permits could be provided with minimal impact in eastern Kansas. If demand can be met for nonresident whitetail either sex permits, transferable permits will be unnecessary. The current system forces landowners to depend on the luck of the draw, not knowing if they or their hunters will have permits. Outfitters must recruit landowners to apply for transferable nonresident permits, hoping to draw enough permits for their clients. And in some units, a secondary market has been created where permits may sell for thousands of dollars.
- In western Kansas, where the resource is more limited, the task force favors making 25 percent of firearms whitetail either sex permits sold to residents the previous year available to nonresidents. The recommendation is to issue them on a first come, first served basis.

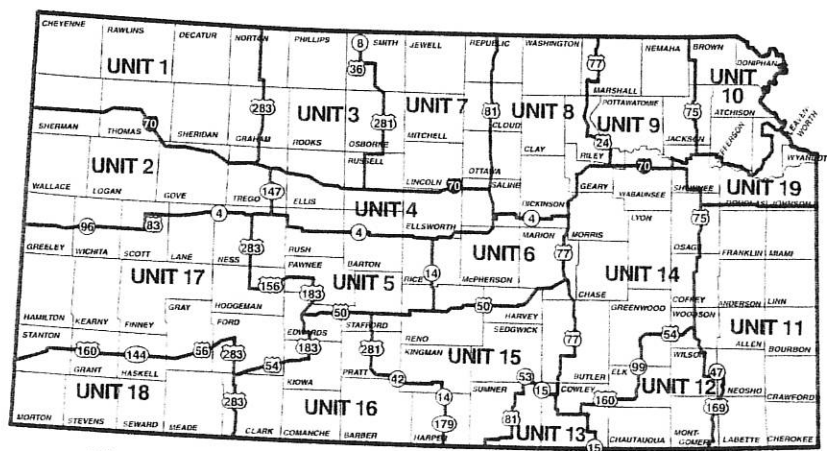


Fig. 2 Current Firearms Deer Management Units

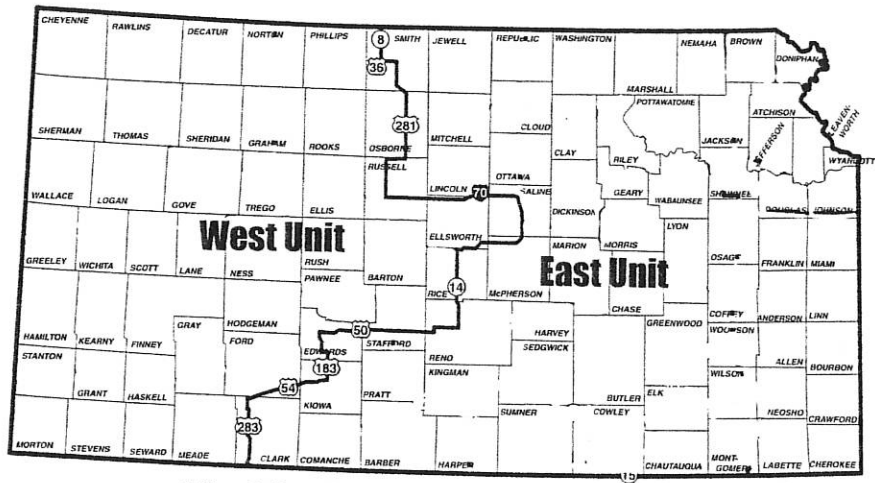


Fig. 3 Draft Whitetail Either Sex Units

- To simplify the permit process and provide better hunting opportunities, the task force recommends reducing the number of deer management units for whitetail either sex permits from 19 to 2 – an East Unit and a West Unit (Fig. 3). This would make the process of applying for a permit easier and give hunters more freedom to explore new hunting areas. The current 19 DMUs (Fig. 2) would be retained for the distribution of whitetail antlerless permits and special harvest considerations.
- Another way to simplify permits and provide more hunting opportunity is to establish a Whitetail Either Sex, Any Season permit. This permit would allow the holder to hunt anywhere in either the east or west unit, during any season with the legal equipment. This has been a common request from hunters in recent years.
- \* Re-establish a statewide either species (any-deer), either sex archery permit. This would be unlimited to residents and a cap of up to 25 percent of what was sold to residents available to nonresidents.

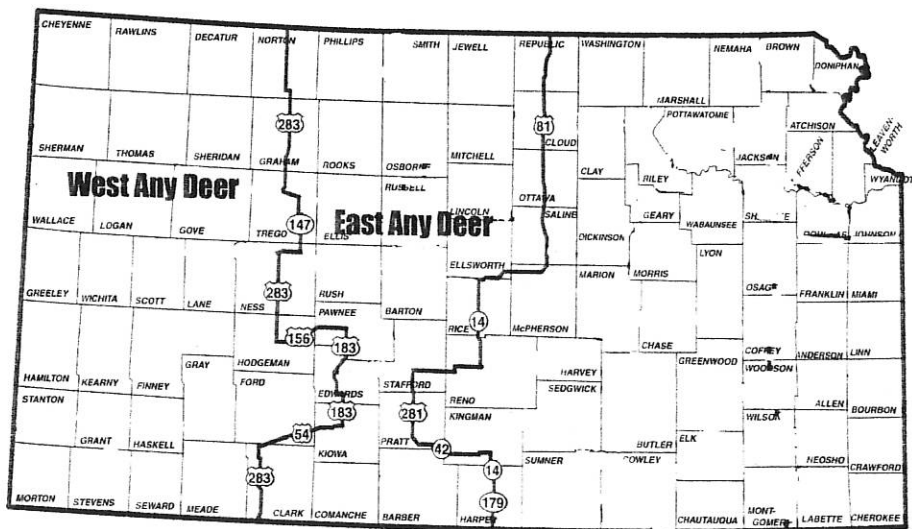


Fig. 4 Draft Any-deer Units

- Establish two units for Any-deer (either species, either sex) firearms and muzzleloader permits in western Kansas (Fig. 4). These permits, which allow mule deer harvest, are available in limited numbers to residents. The task force recommends making a percentage of these permits available to nonresidents.
- Allow members of a landowner's immediate family to qualify for hunt-own-land permits, regardless of their residence. Currently, all members of the immediate family residing in the home qualify, one permit for each 80 acres owned, and about 900 of the 10,000 hunt-own-land permits issued are transferred to lineal or collateral relatives, as allowed by law. However, law enforcement staff reports that it is nearly impossible to verify blood and collateral relatives. This change would be proposed to replace the transferable hunt-own-land permit. It would allow a landowner/tenant's children or parents to qualify for a hunt-own-land permit, whether they lived in the home or not, even if they were nonresidents. The task force also recommends that the definition of a landowner/tenant be strengthened to include examples of proof and a clause stating that when applicants sign the permit they agree to provide such proof on request.
- In an attempt to make deer hunting more attractive to young hunters, the committee recommends half-price youth permits. This regulatory change was presented to the Kansas Wildlife and Parks Commission in January to consider for implementation during the 2006 season.
- Another recommendation that addresses quality hunting opportunities is moving the muzzleloader season opener later in September. The special muzzleloader season has traditionally opened in early September (the 2006 season is proposed for Sept. 9-Sept. 22). Muzzleloader deer hunters have asked for a later opening day because hot weather, likely during the current date structure, makes the season unattractive. The task force proposes opening the deer seasons with a youth season the last Friday, Saturday and Sunday in September. This special season was established for hunters 16 and younger to hunt with adult supervision, as well as hunters with disabilities. It was specifically scheduled for September to avoid extreme and cold weather. Currently the archery season opens on Oct. 1. The committee recommends a concurrent opener for archery and muzzleloader hunters on the Monday following the youth and disabled hunters season. The muzzleloader season would continue for two weeks. The archery season would continue until December 31 as it currently does.
- To maintain balanced age structure and quality deer, the task force recommends retaining the current one buck per hunter limit. It also favors keeping the current firearms season dates, which are after the peak of the deer breeding season, when bucks are more vulnerable to hunters.

Deer Task Force members look forward to hearing from our stakeholders through the next several months, a process that has already begun since the Wildlife and Parks

Commission was provided with a brief update on the committee's progress on January 19. Communication plans include providing a comment option via the department's website to allow input, topics for discussion on the department's BLOG site, and surveys. Recommendations will be discussed at future Commission meetings, as well as public meetings to be held across the state.

The Task Force understands the emotional issues that will be brought forth through this process. Resident hunters have been vocal in opposing leasing as it affects local access to land for hunting. Many fear that providing more nonresident deer permits will increase leasing. However, nonresident permit application trends show that demand may have leveled off. In a state where 97 percent of the land is in private ownership, access to private land dictates hunting pressure. A 2004 survey of Kansas landowners indicated that about 7 percent of the land in Kansas is involved in some type of hunting lease (not including land leased by the department for the Walk-In Hunting Program). Of that land, 58 percent of it involved primarily resident hunters. In recent years, Kansas has received a great deal of national media attention as a trophy whitetail hunting destination, and landowners have discovered that access, especially to large blocks of quality deer habitat, is a valuable commodity. However, with limited nonresident permits, and a transferable permit program, some landowners who choose to supplement their income with deer hunting access have become dependent upon drawing permits, rather than the access or hunter services they can provide. The department strives to provide hunting opportunities for its constituents, and it must work with Kansas landowners to manage wildlife. The department has focused efforts on providing access through the Walk-In Hunting Area (WIHA) program, which leases land from private landowners and opens it to public hunting. WIHA has opened more than 1 million acres in recent years, and there are plans to expand the program. And the program must also be responsive to nonhunters, who have expressed concern about deer-vehicle accidents and efforts to control deer numbers.

The task force understands that any changes will affect more than just deer hunters and deer. As stated earlier, there are social, biological, economical and political considerations. Change won't make all stakeholders happy, but with sufficient input and discussion, the programs, opportunities, and permitting processes can be improved.

Deer Task Force Committee members are long-time KDWP employees. Most have been with the department for more than 20 years, and most have at least that much deer hunting experience. All considered the committee an important responsibility, and all had personal and professional stakes in the forthcoming recommendations. (Mike Miller, Chris Tymeson, Lloyd Fox, Matt Peek, Rob Ladner, Mel Madorin, Steve Price, Mark Sexson, Roger Wolfe, and John Spurgeon)