

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 2, 2006, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Lisa Montgomery, Revisor of Statutes Office  
Judy Holliday, Committee Secretary

Conferees appearing before the committee:

Constantine Cotsoradis, Assistant Secretary, Department of Agriculture  
Mike Miller, Kansas Department of Health & Environment

Others attending:

See attached list.

Chairperson McGinn directed the Committee's attention to a report the Committee had requested last year on Cedar Bluff Reservoir from Joe Fund of the Kansas Water Office (Attachment 1), and asked that they read it at their leisure.

The minutes of the Committee meetings for January 19, January 26, and January 27 were distributed to each Committee member for their review. Approval will occur on Friday, February 3.

Chairperson McGinn asked for bill introductions. Constantine Cotsoradis, Assistant Secretary of the Department of Agriculture, advised the Committee that the Department had been working to resolve reclassification of dams.

Senator Taddiken moved to introduce this bill, seconded by Senator Ostmeyer. The motion passed.

Chairperson McGinn distributed a handout on Implementing Flex Accounts by David Pope, Chief Engineer, Kansas Department of Agriculture Division of Water Resources (Attachment 2).

Chairperson McGinn recognized Chris Tymeson, Chief Counsel, Kansas Department of Wildlife and Parks, who updated the Committee on the deer management program. He introduced representatives of the Kansas Department of Wildlife and Parks to the Committee: Mike Hayden, Secretary of Wildlife and Parks; Mike Miller, Special Assistant, Pratt; Dr. Lloyd Fox, Biologist, Pratt; Keith Setson, Pratt; and Dick Koerth, Asst. Secretary for Administration, Topeka.

Mike Miller presented a report developed by a ten-member task force on deer management. The task force met weekly to come up with appropriate changes, but because the changes could affect so many landowners, deer hunters and non-hunters, they decided to seek public input over the course of the next year on simplifying the permit process. He provided background of the permitting process, statistics for 2005 hunting licenses purchased, and the number of deer taken by firearms as opposed to archery hunters.

Mr. Miller told the Committee the task force identified several issues to be addressed. First, permit allocation and distribution should be a function of Wildlife and Parks and the opportunity to obtain permits should be a fair and equitable process. Hunters, landowners, and outfitters have expressed an overall dislike of the transferable permit system. Second, the deer resource, especially in the western part of Kansas needs to be conserved. Deer population should be maintained within levels sustainable by the habitat.

Mr. Miller set forth the following recommendations: For non-resident permit demand for white tail, either sex permits, the Department feels that in Eastern Kansas we should be able to provide unlimited white tail, non-resident firearms permits with minimal impact. The demand by non-residents has dropped off a little in 2005. The current system forces landowners to depend on "luck of the draw," not knowing if they or their hunters will draw permits, and outfitters must recruit landowners to apply for transferrable permits hoping to draw enough permits for their clients. There is a secondary market where these permits can sell for thousands of

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dollars.

In Western Kansas where the resources are more limited, the task force favors making 25 percent of the permits sold to residents in those areas available to non-residents. The recommendation is to issue them on a 'first come, first served basis.' To simplify the permit process and provide better hunting opportunities, the task force recommends reducing the number of deer management units from 19 to 2, dividing the State into a West unit and an East unit.

Another way to simplify permits is to establish a white tail, any sex, any season permit. This permit will allow the holder to hunt in any season with any legal weapon. They would choose either an East unit or a West unit and would then be able to hunt anywhere in the unit. This has been a request by hunters for years to have that flexibility in their permit.

Other Department proposals include: allowing the landowner's immediate family to qualify for hunting permits regardless of their residence; amending the definition of tenant by including examples of proof and possibly a clause on the license itself for providing proof of qualification if requested; instituting half-price permits for hunters 16 years of age or younger; moving the muzzle-loading season from the current early September season to late September; and opening a youth season and for hunters with disabilities on the last Friday and Saturday in September, followed by the muzzle-loading and archery season on the following Monday. The muzzle loader season would run for two weeks and the archery season would run through the end of December. To maintain balance and deer quality, the Department recommends retaining the one buck per hunter limit and favors maintaining the current firearm season dates which are set after the peak of the deer breeding season when bucks are more vulnerable.

The Department plans to have a series of public meetings and surveys, as well as utilize the Internet for comments from hunters.

In Kansas, where 97 percent of the land is privately owned, access to private land dictates hunting pressure. In 2004, a survey revealed that only 7 percent of the land is involved in private hunting, and 58 percent of that is open to non-residents. In recent years, Kansas has received a great deal of media attention as a trophy white-tail hunting destination. Landowners have discovered that access is a valuable commodity.

The Department strives to work with landowners to manage wildlife, and over the past few years has opened up over a million acres to public hunting through the walk-in hunting program with plans to expand that program. But the Department must also be responsive to non-hunters, and many have expressed concern over efforts to control deer numbers.

Senator Lee questioned which licenses were sold over the counter, and commented that if a person was not lucky in the drawing and then could not buy one over the counter, that was why the demand for non-resident hunting licenses were down. Mr. Miller said the overall number of licenses were down and he did not have the figures for non-resident demand but could get that information for the Committee. Senator Lee advised the Department that she would be introducing a bill that would allow over the counter sales of hunting licenses to residents and non-residents.

Senator Lee asked about landowners with land on both sides of a highway, how does a non-resident who wants to lease land for hunting accomplish this? Mr. Miller responded that county lines do not follow roads so the highways are used because people are more familiar with them.

Senator McGinn reminded the Committee that today is the last day to introduce bills, so if anyone had anything they needed to introduce they may need to meet at the rail.

Senator Teichman told the Committee that hunters from her district had said that most of the permits went to the eastern part of the state where the deer population was higher and needed to be more controlled. She asked what the number of permits was for the units in the eastern part, and asked if the Department would eventually take away from the western half of the state. Mr. Miller responded that in the eastern unit it would be basically unlimited non-resident permits, and unit 16 would be included in that area. She asked how the

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Department plans to maintain the doe population, and Mr. Miller responded that the Department would maintain an antler-less season as it has in the past.

Senator Teichman commented she appreciated that the Task Force likes getting input from the public in considering its recommendations.

Senator Lee asked if there would be public meetings or a website notice of meetings. Mr. Miller said the agency would start with a website notice which would be available to the Legislature first, and then set public meetings across the state.

Senator Lee asked if the Department's recommendation is that a non-resident can buy a permit over the counter, and Mr. Miller responded that they could buy in the eastern part of the state. Senator Lee asked why they couldn't buy in the western part of the state, and Mr. Miller stated that the deer habitat and deer resources were more limited in the west. Senator Lee asked that he provide the number of non-resident, antler-less over the counter tags that have been purchased.

Chairperson McGinn asked if the Department felt comfortable that there will be adequate permits for all residents that want to hunt in Kansas, and Mr. Miller responded affirmatively. She followed up with a question about the percentage of total per unit recommended, and Mr. Miller responded that in the eastern part of the state it would be unlimited, but to the west would be 25 percent. The permits are set by statute.

Senator Pyle called attention to page 5 of the report, questioning the transfer of permits, or if hunt your own land permits would still be sold. Mr. Miller responded that hunt your own land permits cannot be sold, but can be transferred to relatives only.

Chairperson McGinn recognized Dr. Lloyd Fox, Big Game Coordinator for Wildlife and Parks, who provided an update on the chronic wasting disease in deer. Dr. Fox told the Committee that there has been a case of chronic wasting disease in Kansas. The disease is slow-moving but has expanded from other states. He provided the Committee with a detailed description of the disease, how it is caused, and how it may be transmitted among the deer population.

Chairperson McGinn asked about transferring the disease to humans. Dr. Fox stated that there is no known association of the disease from one species to another or to humans, although the disease is not fully understood at this time. In spite of this species barrier, however, the Department does not recommend consuming an animal with this disease. Chairperson McGinn questioned the mixed message about the species barrier but not eating the animal. Dr. Fox said his agency defers to the recommendations of the state health agencies.

The Department will be having a public meeting at St. Francis to inform farmers and landowners about the disease, and will be sampling deer in that specific area to determine if the disease is established in this area. The Department has a contingency plan and will be providing expansion of that plan in the future.

Senator Huelskamp asked if there was random sampling for the disease, and Dr. Fox stated they have been doing random testing of animals for this disease since 1996 and is part of the ongoing, nationwide program to monitoring this disease. Senator Huelskamp asked if the transmission to an animal in Kansas could be from, for example, Colorado, and Dr. Fox stated the disease could be transmitted horizontally, that is, from excreted materials from a diseased animal that could have migrated from Colorado and ingested by another animal. It is not a genetically determined disease, nor transmitted by reproduction. Senator Ostmeyer asked about the incubation period, and Dr. Fox explained that the prions are resistant in the environment and lose strength over a three-to-five year period.

Chairperson McGinn reminded Committee members to review the minutes and be ready to approve them at the meeting the following morning.

There being no further business to come before the Committee, the meeting adjourned at 9:25 a.m.