

STATE OF KANSAS

WILL CARPENTER
REPRESENTATIVE, 75TH DISTRICT
6965 SW 18TH STREET
EL DORADO, KANSAS 67042
(316) 323-3404 (C)

CAPITOL BUILDING, ROOM 352-S
TOPEKA, KANSAS 66612
(785) 296-7660



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIR: HEALTH & HUMAN SERVICES
VICE CHAIR: SOCIAL SERVICES BUDGET
MEMBER: APPROPRIATIONS

SB213

Oral Proponent

Good morning Chairman Peck and committee. I am here to testify in support of SB213 dealing with non-resident waterfowl hunting. Because of our lack of restrictions and abundant waterfowl, many of our resident hunters are finding no place to hunt or so much competition that they are finding it is not worth the effort especially in border areas and Cheyenne Bottoms.

Many states have or are dealing with the problem. I have received many calls from our residents complaining about the issue. Kansas Wildlife and Parks has been trying to address this issue through regulation, and it got caught up in HB2648 and the economic impact statement. So here we are.

Thank you for your time. I will stand for questions at the appropriate time.

A handwritten signature in black ink, appearing to read "Will Carpenter", written over a horizontal line.

Representative Will Carpenter

District 75

<u>Season</u>	Resident Waterfowl Hunters	Non-Resident Waterfowl Hunters	% NR	% Res
2006-07	20768	4966	19.30%	80.70%
2007-08	21358	5508	20.50%	79.50%
2008-09	22563	5640	20.00%	80.00%
2009-10	22713	5791	20.32%	79.68%
2010-11	22352	5867	20.79%	79.21%
2011-12	21896	5789	20.91%	79.09%
2012-13	22292	5582	20.03%	79.97%
2013-14	25512	7295	22.24%	77.76%
2014-15	26520	9016	25.37%	74.63%
2015-16	25228	9533	27.42%	72.58%
2016-17	23553	9383	28.49%	71.51%
2017-18	22823	9940	30.34%	69.66%
2018-19	23330	11193	32.42%	67.58%
2019-20	22588	12612	35.83%	64.17%
2020-21	24982	15586	40.45%	59.55%
2021-22	24108	17559	42.14%	57.86%
2022-23	23649	16706	41.40%	58.60%
2023-24*	24494	17298	41.39%	58.61%
<i>Avg. All Years</i>	23374	9737	28.30%	71.70%
Past 5-years	23964	15952	40.24%	59.76%

Kansas Department of Wildlife & Parks

Nonresident Waterfowl Hunting

OVERVIEW:

Kansas Department of Wildlife and Parks (KDWP) has recently proposed a new hunting regulation addressing nonresident waterfowl hunting. This proposed regulation restrictions will only be implemented on Department owned and managed properties, USFWS wildlife areas, Bureau of Reclamation reservoirs and wildlife areas, and the US Army Corps of Engineers reservoirs and wildlife areas. The proposed regulation restrictions do not apply to privately owned land, Walk-in Hunting Access (WIHA) properties, Interactive Walk-in Hunting (iWIHA) properties, and the three navigable rivers (Kansas River, Arkansas River, Missouri River). See regulation listed below for more details.

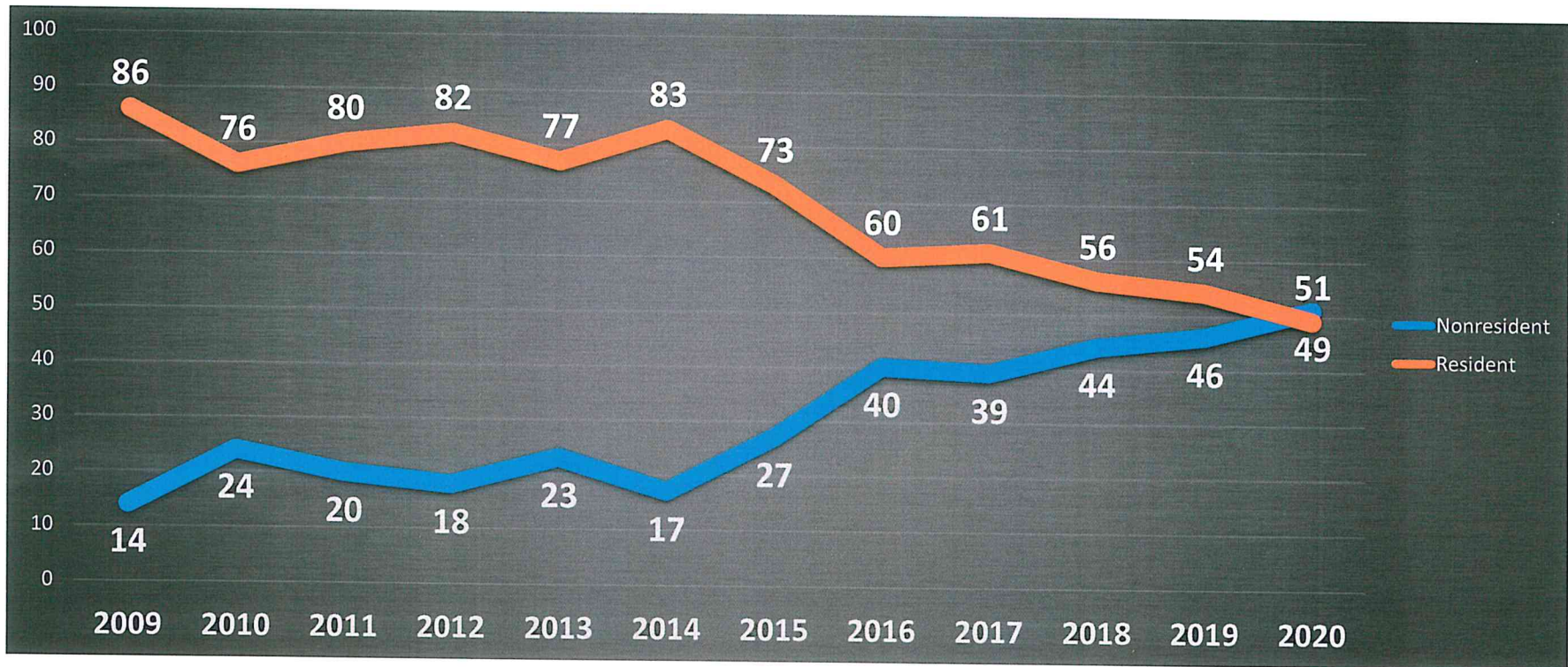
Information and data collected from staff since the 2020-2021 Kansas waterfowl season is showing that nonresidents are spending more consecutive days on public waterfowl properties, hunting in larger groups, and spending more time per day on these specific properties pursuing waterfowl. This has changed waterfowl behavior to the point there is a growing concern that ducks, specifically, are not able to utilize our public wetlands sufficiently to meet their dietary, energy, and resting needs because of the human pressure that has increased in intensity. There were 4,966 (19% of total sales) nonresident Kansas Waterfowl Stamps sold for the 2006-2007 waterfowl season and 17,599 (42% of total sales) nonresident stamps sold the for 2021-2022 waterfowl season. This was a 354% increase over 15 years. Kansas resident stamp sales have been consistent with an average number sold at 23,740 during the same period. On the average, each nonresident waterfowl hunter spent 31% more time hunting in 2021 than they did in 2014.

Resident waterfowl hunters are also reporting this change in nonresident waterfowl hunting culture and has decreased their opportunities on our department lands and waters. Resident waterfowl hunters in Kansas are reporting they are not traveling to hunt our Public Lands as much within the State due to the crowding and pressure of the nonresidents.

Staff from the Public Lands and Wildlife Divisions have been meeting regularly and discussing these growing issues over the past few hunting seasons. Several potential recommendations have been vetted but the Department believes the following recommendation has the greatest potential to address the nonresident pressure issue while still offering nonresidents hunting opportunities throughout the waterfowl seasons.

Throughout the United States, over many years, there have been many studies on the effects of overpressure on waterfowl. It has been shown that spreading out the pressure of waterfowl hunting has increased the waterfowl's ability to feed and rest adequately while increasing the overall hunting experience. Imposing the nonresident restrictions would spread out the pressure from waterfowl hunting throughout the week.

% Resident and Nonresident Waterfowl Hunters Cheyenne Bottoms Wildlife Area 2009-2020



Non-resident waterfowl hunting pressure on Kansas Public Lands

Timeline

Prior to 2020

Statistical increases observed annually in NR Waterfowl Stamp sales and Public Lands check-ins by non-resident waterfowl hunters (see Stamp sales spreadsheet)

Cheyenne Bottoms:

2018-19 season = 56% residents, 44% non-residents

2019-20 season = 54% residents, 46% non-residents

2020-21 season = 49% residents, 51% non-residents

Neosho Wetlands:

2018-19 season = 65% residents, 35% non-residents

2019-20 season = 55% residents, 45% non-residents

2020-21 season = 50% residents, 50% non-residents

2020-21 season

KDWP received an increase in complaints from resident waterfowl hunters regarding non-residents overcrowding and monopolizing our public properties where waterfowl hunting is popular

January 2021

January 14 KDWP Commission meeting – public comment regarding increased hunting pressure on public areas, Commissioner comments they're receiving numerous emails from KS residents with similar complaints, extensive discussion on this topic, Chairman requested KDWP provide a presentation at the March meeting to discuss further

More internal discussion was initiated to research and discuss this growing concern

April 29, 2021

Public Lands Division Director Stuart Schrag gave a presentation at the KDWP Commission meeting highlighting the main waterfowl hunting properties, resident vs. non-resident hunter numbers on those properties, and on-going wetland projects

The Department did recommend some regulatory changes that could aide in alleviating some of these concerns (see below)

Extensive Commission and public comments at this meeting (see June 17, 2021, Briefing Book report)

Public Hearing – passed unanimously under KAR 115-8-1 Public Lands Special Use Restrictions

1. Neosho Wildlife Area = No access into the wetland before 5:00am and must exit wetland by one hour after sunset
2. Cheyenne Bottoms = motorized watercraft permitted only during the waterfowl season. No boats permitted from 04/15 through 08/15. No out of water propeller driven watercraft permitted at any time (air boats). No motorized boats in Pool 3A. No motorized boats in Pool 4A after 1:00pm
3. McPherson Valley Wetlands = No motorized boats
4. Perry Wildlife Area = No gasoline engine powered boats on all certain marshes
5. Marais des Cygnes Wildlife Area = No gasoline engine powered boats on all marshes except Unit A East and Unit G. No out of water propeller driven watercraft permitted at any time (air boats).

Also proposed that a separate and increased fee for non-resident waterfowl stamp be introduced through legislation at an appropriate time

2021 additional

The Department wanted to assess the regulatory changes made (access & boating) that went into effect for the fall 2021 waterfowl season to evaluate the impacts of the new regulations

The Department also wanted another season of information and statistics to determine if the increased NR pressure was solely from COVID and other factors or if the increase NR pressure was the new normal. Therefore, no other regulatory changes were proposed

At this time, Public Lands Managers did not feel the increased NR pressure on our wetlands was negatively impacting the resource (mainly ducks).

Resident concerns continued to be increasing and noted.

2022

January 13 KDWP Commission meeting – General discussion of implementation of access restrictions at Cheyenne Bottoms. PL Manager indicating the potential need to implement same access restriction as Neosho WA (5am rule).

March 31 a special KDWP staff & Commission panel discussion was conducted to focus on the NR pressure issue prior to the scheduled Commission meeting.

March 31 KDWP Commission meeting - after additional review, no additional action was taken for access restrictions at Cheyenne Bottoms. Additional public comment on the NR pressure, with illegal filming and guiding on public lands noted as also aiding in this issue.

April 21 KDWP Commission meeting – considerable discussion during the public lands workshop session (see June 23, 2022, Briefing Book report).

August 04 KDWP Commission meeting – Interim Assistant Secretary Schrag announced that 75%-85% of the Special Hunts conducted on public lands would be restricted to residents only for the 2022-23 hunting season.

September 7 – gave KDWP Commissioner’s a tour of Neosho Wetlands while discussing the NR pressure issues, highlighted the success of the 5:00am access restriction and the positive impact to ducks and hunter harvest/satisfaction

Continued internal research and discussions, evaluation of fall season on public lands

Continued resident hunter dissatisfaction with the non-resident pressure was noted

At the end of the 2022 season a formal survey of all public lands managers was conducted. Numerous managers’ felt the non-resident pressure and culture of staying at a wetland for consecutive days/weeks was negatively impacting ducks (not being able to utilize our wetlands for food and rest) and further regulatory restrictions were warranted

2023

January 12 – KDWP Commission meeting – Acting Public Lands Director Stucky stated internal discussions continue regarding the non-resident waterfowl hunting pressure issue and we’re working towards bringing regulation proposals forward to the Commission in the coming months. Extensive dialogue between Assistant Secretary Schrag and Commissioners (see pages 16-18 in the March 09, 2023 Briefing Book)

January 30 - A KDWP Ad Hoc committee was organized to develop regulatory recommendations to address this issue. Internal committee members included public lands managers, wildlife biologists, wildlife researchers, and game wardens. There were no external non-agency members on this committee.

March 09 KDWP Commission meeting – extensive discussion between staff and Commissioners (see pages 32-36 in the April 27, 2023, Briefing Book report)

March 14 – met with a group of Kansas Guides and Outfitters. Wide variety of topics were discussed. Non-resident waterfowl hunting on public lands was discussed with this group providing minimal comment. Their focus is mainly deer and turkey hunting on private lands. Guiding on public lands is not allowed.

April 27 KDWP Commission meeting – Assistant Secretary Schrag provided a report on the department’s meeting with guides and outfitters (see pages 17-22 in the June 22, 2023, Briefing Book)

April 27 KDWP Commission meeting – Assistant Secretary Schrag introduced the proposed 3-day restriction for non-resident waterfowl hunters on Kansas public lands (see workshop pages in Briefing Book) (also see pages 35-41 in the June 22, 2023, Briefing Book report). Schrag also proposed the following on public lands:

1. No access into a wetland before 5:00am and must exit the wetland within one hour after sunset at: McPherson Valley Wetlands, Slate Creek Wetlands, Byron Walker Wildlife Area, and Perry Wildlife Area Wetlands
2. Cheyenne Bottoms = vessels permitted only during waterfowl seasons
3. Perry Wildlife Area = motorized watercraft permitted in wetlands only during waterfowl seasons

June 22 KDWP Commission meeting – proposed non-resident 3-day restriction workshopped a second time. (See pages 19-22 in the August 17, 2023, Briefing Book report)

January through June 2023 – numerous meetings and discussions between KDWP, U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, and USFWS National Wildlife Refuge staff occurred. Consultation with Midwest Association of Fish and Wildlife Agencies regarding any non-resident waterfowl hunting restrictions. Consulted with North Dakota, South Dakota, Missouri, and Arkansas natural resource agency staff.

August 17 KDWP Commission meeting – public comments in support of the proposed non-resident waterfowl hunting restriction but suggestions for additional restrictions (lower bag limits, etc.). PL Director Stucky workshopped the proposed non-resident regulation again. Also workshopped the other proposed public lands regulations related to the non-resident pressure issue (wetland access and boating restrictions). Did get comment from a Missouri resident opposed to the 3-day NR restriction.

September 7 KDWP Commission meeting – PL director Stucky workshopped the proposed 3-day NR waterfowl restriction and other PL regulations again (wetland access and boating restrictions). Cheyenne Bottoms PL Manager Jason Wagner gave a presentation regarding the renovation project at the Bottoms and included some non-resident information.

September 7 KDWP Commission meeting – PL Director Stucky gave detailed information on the amount of public land open to hunting in Kansas that is relative to the non-resident pressure issue and proposed restrictions regulation (see pages 21-24 in the November 30, 2023, Briefing Book report)

November 30 KDWP Commission meeting – PL Director Stucky workshopped the proposed 3-day NR waterfowl restriction and the access and boating restrictions again.

2024

January 25 KDWP Commission meeting – PL Director Stucky presented the 3-day non-resident waterfowl hunting restrictions on public lands in detail and requested it be passed on to the promulgation process

April 25 KDWP Commission meeting – access and boating restrictions under the public lands special use reference document were dropped from the regulatory process. Focus was placed on getting the 3-day NR restrictions through the promulgation process

*Several back-and-forth sessions with Department of Administration on written language of the regulation

*Then the new law regarding \$200K annual economic impact stopped this proposed regulation in the promulgation process