

**Testimony on HB 2295 relating to Deer Hunting  
To  
The House Committee on Agriculture and Natural Resources**

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**February 2, 2012**

HB 2295 seeks to make significant changes to deer hunting, deer permitting and hunting licensure. **The Department opposes the provisions contained in the bill.**

Section 1 of the bill removes the requirements that immediate family be domiciled with a landowner or tenant to be unlicensed. The Department opposes this change because it further erodes the license base of a fee funded agency and would be largely unenforceable.

Section 2 of the bill removes requirements for a person to have a disability to use a crossbow for big game. While the Department currently has authority to allow the use of crossbows in any season and does allow them during firearms seasons, it is believed that the proposal is intended to allow the use of crossbows during the archery season, when mature bucks are most vulnerable. The Department is opposed to any provisions which could potentially alter the age structure of the herd. The age structure of the herd is the primary reason Kansas is a world class destination when it comes to hunting.

Section 3 of the bill does many things. First, the section removes domicile requirements for purchasing deer permits to hunt on immediate family members' land they own or operate. Again, this erodes the license base of a fee funded agency and would be largely unenforceable. Second, the provisions mandate an arbitrary ending date for firearms season not based on biological opinion. Further, to modify a statute book for a deer season when deer seasons are set through regulations annually because of the changing dates of the calendar discounts the public regulatory process, is arbitrary and is financially imprudent. Finally, the provisions in section (1)(2) are modified such to automatically increase nonresident deer permit numbers annually at least ten percent without regard to the biological or social impact.

Section 4 of the bill mandates "contributions" of \$2 or more by every hunter when purchasing a deer permit to Hunters Feeding the Hungry. While the Department supports HFH and encourages donations by individuals, the provisions in the bill will likely cause the Department to be in diversion and cause the loss of some or all of the Department's federal funds. Wildlife fee funds are protected by federal and state law and the loss of control of wildlife fee funds results in diversion and loss of federal funds. The Department received approximately twelve million dollars in federal funds last fiscal year.

Section 5 of the bill increases the caps on nonresident deer permits for fees set by the Wildlife and Parks Commission in regulation. Increasing the caps does nothing at this point because the Department has not proposed an increase in fees nor are the current fees up against the cap.

The current deer management system is a direct result of stakeholder participation, including landowners, tenants, hunters, guides and general members of the public. The current system and changes went into effect in 2008 and most of the primary stakeholders exhibited the strong desire to leave the system unchanged for a long period of time. Continued change confuses participants in the system and results in participants leaving deer hunting, which leads to reduced funding as well as fewer people to take deer.

Scientific management and fee funding are basic tenants of the North American Model of wildlife management. Deer hunting in Kansas alone generates approximately \$350,000,000 in direct and collateral economic benefit to the State of Kansas and its citizens. This influx of spending to the State is a direct result of the professional and scientific management by Kansas biologists. To enact the proposals before you would jeopardize the existence of the current system.

**The Department appreciates the support of the Committee in opposition to the bill.**

Robin Jennison, Secretary

Sam Brownback, Governor

The 2011-2012 deer seasons were as follows:

Sept 10-18, 2011	Youth and disabled season	9 days
Sept 19-Oct 2, 2011	Muzzleloader season	14 days
Sept 19-Dec 31, 2011	Archery season	103 days
Oct 8-16, 2011	Unit 19 Firearms season	9 days
Nov 30-11, 2011	Statewide Firearms season	12 days
Jan 1-8, 2012	Extended Firearms season	8 days
Jan 9-15, 2012	Special Ext. Firearms season	7 days (Units 7, 8, and 15)
Jan 9-31, 2010	Unit 19 Archery season	23 days

This management scheme has resulted in the stabilization of the herd on a statewide basis as well as has provided the age class of deer that makes Kansas a world class destination for deer hunting. The primary consideration in season structure to maintain the age class of buck deer is to keep large numbers of hunters out of the breeding time, when mature bucks are most vulnerable, and therefore it has been placed post-rut and begins the first Wednesday after Thanksgiving.



In 2011-12, there were 94,572 residents and 25,701 non-residents with a permit that allowed them to take an antlered deer. Using the value of \$1,100 (pg 158 of the 2006 National Survey on Fishing, Hunting and Wildlife-Associated Recreation [<http://www.census.gov/prod/2008pubs/fhw06-nat.pdf> ]) you get **\$132.3 million in direct economic benefit** from spending on trip related items. The total economic effect (multiplier effect) is about 2.5 times that value ([http://www.fishwildlife.org/pdfs/Hunting\\_Economic\\_Impact.pdf](http://www.fishwildlife.org/pdfs/Hunting_Economic_Impact.pdf)) or **\$330.75 million in collateral economic benefit from deer hunting.**

There were 2,802,134 people in Kansas in 2008. There are approximately 787,000 Kansans and a total of 816,000 residents and non-residents (Page 102 of the 2006 National Survey) that recreationally watch wildlife. Nationwide approximately 56% of the people participating in wildlife viewing observe large mammals. The average annual expenditure of people involved in wildlife watching is \$179/ person. Thus recreational watching of deer in Kansas may generate another \$23,628,000. Suffice it to say that watching deer in Kansas is enjoyed by many people (46% of the residents) and it generates positive economic value.

**Hunting and viewing deer generate \$354.4 million per year in Kansas.**

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Robin Jennison, Secretary

Sam Brownback, Governor

Here is the link to the sign-up on our website:

<http://www.kdwp.state.ks.us/news/Hunting/Hunting-Programs/Hunter-Referral-Program>

KDWP has pursued for years of trying to provide a system where hunters who wanted an opportunity to take antlerless deer could be united with landowners who wanted more deer removed from their property. The system produced thousands of hunters looking for opportunities. Landowners were given an opportunity to view lists of potential hunters and even lists limited to hunters using certain equipment, or living in certain areas. The problem is that while many landowners complained about too many deer, only a couple landowners in the state even requested a list of potential hunters. This agrees with the surveys of Kansas landowners conducted by the Docking Institute for KDWP. Those surveys show that 50-60 percent of the landowners have damage on their property that they consider to be caused by deer but that only ~5% of those landowners consider the damage severe. Furthermore when the landowners were asked what they did to address that damage, few contacted KDWP. That survey has been conducted since 1963 and one of the consistent findings is that about 25% of the landowners do not hunt deer or allow other people to hunt deer on their property.

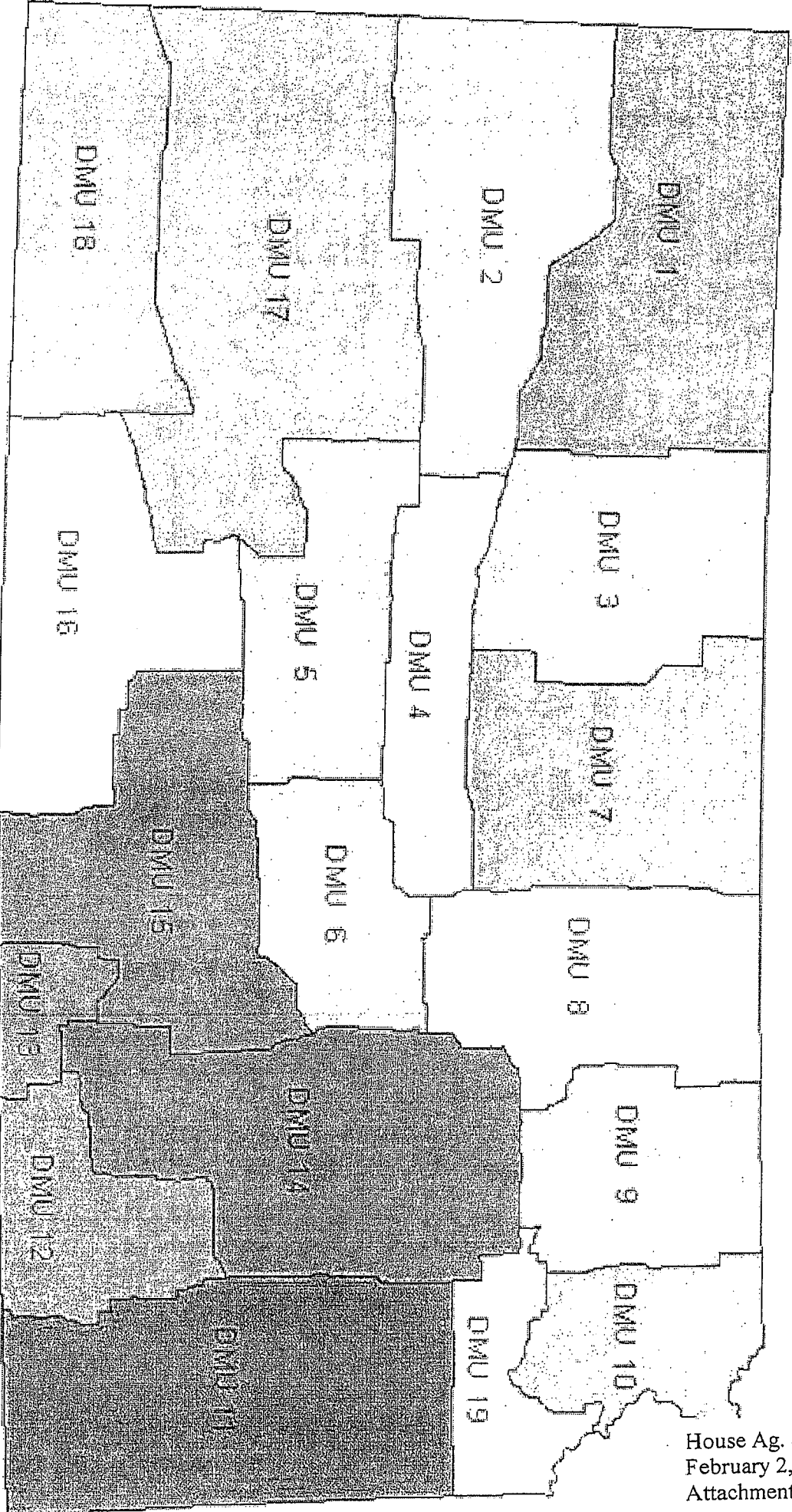
House Ag. & Natural Resources  
February 2, 2012  
Attachment 2-4

Table 2. History of deer hunting season dates in Kansas.

YEAR	FIREARMS OPEN DATES	NO. DAYS	ARCHERY OPEN DATES	NO. DAYS	MUZZLELOADER OPEN DATES	NO. DAYS	YOUTH AND DISABILITY		EXTENDED OPEN DATES	NO. DAYS	YEAR
							OPEN DATES	NO. DAYS			
1955	Dec. 11-15	5	Oct. 1 - Nov. 15	46	0	0	0	0	0	0	1955
1956	Dec. 10-14	5	Oct. 1 - Dec. 9	70	0	0	0	0	0	0	1956
1957	Dec. 8-12	5	Oct. 1 - Nov. 26	57	0	0	0	0	0	0	1957
1958	Dec. 13-17	5	Oct. 1 - Dec. 1	62	0	0	0	0	0	0	1958
1959	Dec. 6-10	5	Oct. 1 - Nov. 30	61	0	0	0	0	0	0	1959
1970	Dec. 5-9	5	Oct. 1 - Nov. 30	61	0	0	0	0	0	0	1970
1971	Dec. 4-8	5	Nov. 25, Dec. 11 - Dec. 31	62	0	0	0	0	0	0	1971
1972	Dec. 2-6	5	Oct. 1 - Nov. 30	61	0	0	0	0	0	0	1972
1973	Dec. 2-10	9	0	0	0	0	0	0	0	0	1973
1974	Dec. 1-9	9	0	0	0	0	0	0	0	0	1974
1975	Dec. 7-15	9	0	0	0	0	0	0	0	0	1975
1976	Dec. 6-14	9	0	0	0	0	0	0	0	0	1976
1977	Dec. 4-12	9	0	0	0	0	0	0	0	0	1977
1978	Dec. 3-11	9	0	0	0	0	0	0	0	0	1978
1979	Dec. 2-10	9	0	0	0	0	0	0	0	0	1979
1980	Dec. 1-9	9	0	0	0	0	0	0	0	0	1980
1981	Dec. 6-14	9	0	0	0	0	0	0	0	0	1981
1982	Dec. 5-13	9	0	0	0	0	0	0	0	0	1982
1983	Dec. 4-12	9	0	0	0	0	0	0	0	0	1983
1984	Dec. 3-11	9	0	0	0	0	0	0	0	0	1984
1985	Dec. 1-9	9	0	0	0	0	0	0	0	0	1985
1986	Dec. 7-15	9	0	0	0	0	0	0	0	0	1986
1987	Dec. 6-14	9	0	0	0	0	0	0	0	0	1987
1988	Dec. 5-13	9	0	0	0	0	0	0	0	0	1988
1989	Dec. 4-12	9	0	0	0	0	0	0	0	0	1989
1990	Dec. 3-11	9	0	0	0	0	0	0	0	0	1990
1991	Dec. 2-10	9	0	0	0	0	0	0	0	0	1991
1992	Dec. 1-9	9	0	0	0	0	0	0	0	0	1992
1993	Dec. 1-12	12	0	0	0	0	0	0	0	0	1993
1994	Nov. 30 - Dec. 11	12	0	0	0	0	0	0	0	0	1994
1995	Dec. 1-10	10	0	0	0	0	0	0	0	0	1995
1996	Dec. 4-15	12	0	0	0	0	0	0	0	0	1996
1997	Dec. 3-14	12	0	0	0	0	0	0	0	0	1997
1998	Dec. 2-13	12	0	0	0	0	0	0	0	0	1998
1999	Dec. 1-12	12	0	0	0	0	0	0	0	0	1999
2000	Nov. 29 - Dec. 10	12	0	0	0	0	0	0	0	0	2000
2001	Nov. 28 - Dec. 9	12	0	0	0	0	0	0	0	0	2001
2002	Dec. 4-15	12	0	0	0	0	0	0	0	0	2002
2003	Dec. 3-14	12	0	0	0	0	0	0	0	0	2003
DMU 19 -	Oct. 18 - 26	9	0	0	0	0	0	0	0	0	2004
DMU 19 -	Dec. 1-12	12	0	0	0	0	0	0	0	0	2005
DMU 19 -	Oct. 16 - 24	9	0	0	0	0	0	0	0	0	2006
DMU 19 -	Nov. 30 - Dec. 11	12	0	0	0	0	0	0	0	0	2007
DMU 19 -	Oct. 15 - 23	9	0	0	0	0	0	0	0	0	2008
DMU 19 -	Nov. 29 - Dec. 10	12	0	0	0	0	0	0	0	0	2009
DMU 19 -	Oct. 14 - 22	9	0	0	0	0	0	0	0	0	2010
DMU 19 -	Nov. 28 - Dec. 9	12	0	0	0	0	0	0	0	0	2011
DMU 19 -	Oct. 13 - 21	9	0	0	0	0	0	0	0	0	2012
DMU 19 -	Dec. 3-14	12	0	0	0	0	0	0	0	0	2013
DMU 19 -	Oct. 11 - 19	9	0	0	0	0	0	0	0	0	2014
DMU 19 -	Dec. 2-13	12	0	0	0	0	0	0	0	0	2015
DMU 19 -	Oct. 10 - 18	9	0	0	0	0	0	0	0	0	2016
DMU 19 -	Dec. 1-12	12	0	0	0	0	0	0	0	0	2017
DMU 19 -	Oct. 9 - 17	9	0	0	0	0	0	0	0	0	2018
DMU 19 -	Jan. 10 - 31	22	0	0	0	0	0	0	0	0	2019

\* Additional days of hunting opportunity in DMU 19

# Deer Management Units in Kansas.





## United States Department of the Interior



### FISH AND WILDLIFE SERVICE Mountain-Prairie Region

INTERNAL REFERENCE  
FWS:R6

MAILING ADDRESS:  
Post Office Box 25486  
Denver Federal Center  
Denver, Colorado 80225-0486

STREET LOCATION:  
134 Union Blvd.  
Lakewood, Colorado 80228-1807

March 6, 2009

Mike Hayden, Secretary  
Kansas Department of Wildlife and Parks  
1020 S. W. Kansas, Suite 200  
Topeka, Kansas 66612

Dear Secretary Hayden:

This letter is in response to your request for our review comments regarding Kansas House Bill 2362 (HB 2362) *AN ACT concerning deer; relating to procedures for the taking thereof; concerning certain fees charged by the secretary of wildlife and parks; relating to the feed the hungry fund; amending K.S. A. 2008 Supp. 32-988, 32-995 and 79-3606 and repealing the existing sections*, that has been introduced during the 2009 legislative session.

In our opinion, should provisions of HB 2362 be implemented, it would be considered by us as the expenditure of license fees and would constitute a diversion of license fees for a purpose other than the administration of the state fish and wildlife agency in violation of the provisions of 50 CFR 80.4, *Diversion of License Fees*.

50 CFR 80.4 states:

- (a) Revenues from license fees paid by hunters and fishermen shall not be diverted to purposes other than administration of the State fish and wildlife agency.
- (b) For purposes of this rule, administration of the State fish and wildlife agency include only those functions required to manage the fish and wildlife-oriented resources of the State for which the agency has authority under State law.
- (c) A diversion of license fee revenues occurs when any portion of license revenues is used for any purpose other than the administration of the State fish and wildlife agency.
- (d) If a diversion of license revenues occurs, the State becomes ineligible to participate under the pertinent Act from the date the diversion is declared by the Director until;

(1) Adequate legislative prohibitions are in place to prevent diversion of license revenue, and

(2) All license revenues or assets acquired with license revenues are restored, or an amount equal to license revenue diverted or current market value of assets diverted (whichever is greater) is returned and properly available for use for the administration of the State fish and wildlife agency.



Mike Hayden, Secretary

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If the Kansas Department of Wildlife and Parks (KDWP) were required to make deposits into the State Treasury, "to the credit of the deer management account" within the feed the hungry fund as proposed in Section 3(f), the expenditure would be a diversion of license fees as defined in 50 CFR 80.4(a)(b). The reason is that "feeding the hungry" is not a legal mandate required to manage the fish and wildlife oriented resources of the State for which the agency has authority under State law.

Furthermore, while donated deer meat may benefit the feed the hungry program, deer population management is a separate and unrelated issue. We do not regard payment of deer meat processing fees alone as a wildlife management practice regardless of how the meat will be used. We only view it as an acceptable management tool when the payment of processing fees is employed as a necessary incentive to hunters to increase the harvest of deer to accomplish deer management objectives of the state fish and wildlife agency. Our understanding is that deer population management goals and objectives in the State are being met and do not require additional hunter harvest. Therefore, payment of license fees paid by non-resident deer hunters in Kansas to the feed the hungry fund as specified by HB 2362 would be treated by us as a diversion of license fees, rendering KDWP ineligible to further participate in the benefits of the Wildlife and Sport Fish Restoration Programs until the diverted funds were returned in accordance with 50 CFR 80.4(d)(1&2).

As you know, the KDWP has received an apportionment of \$11,653,417 from the Wildlife and Sport Fish Restoration Programs in 2009.

Thank you for the opportunity to comment on HB 2362. Please keep us informed of the progress of this proposed legislation and any changes that may be proposed. Please contact me at any time for further assistance at (303) 236-4411.

Sincerely,



David McGillivray  
Chief, Division of Wildlife  
and Sport Fish Restoration

cc: Carl Magnuson, FA Coordinator