

## **Kansas Department of Wildlife and Parks MAFWA Report, June 2011**

### **BAIT REGULATION CHANGES CONSIDERED**

To combat the spread of aquatic invasive species, KDWP proposed changes to regulations governing the use and transport of bait by anglers. After conducting a survey of Kansas anglers, the department provided a series of options the Kansas Wildlife and Parks Commission at its March meeting. The first option was to ban use of wild-caught baitfishes and crayfishes. A second option was to restrict the use of wild-caught baitfishes and crayfishes to the waters where taken. The third option was to allow four commonly-used species (green sunfish, bluegill, black bullheads, yellow bullheads) to be transported from one water body to the next except from known ANS-infected lakes. And the fourth option was to take no regulatory.

Staff recommended establishing a list of species legal for sale as live aquatic bait to limit the likelihood of the introduction of non-native aquatic species through the use of commercially acquired bait. All live aquatic baits for commercial sale will required to be certified pathogen free to prevent the introduction of dangerous diseases into the waters of Kansas. It is recommended that all aspects of the commercial sale of baitfish utilize a secure (ANS free) water source such as well or treated water. Inspections may be required for implementation. Special outreach emphasis on control of contaminated equipment entering retail location will be required. It was recommended to explicitly prohibit the disposal of aquatic baits into the wild. The deployment of approved bait disposal units would assist compliance. Any person leaving any waters of the state shall drain all bait containers, livewells and bilges, other boating or fishing-related equipment holding water excluding marine sanitary systems, by removing the drain plug before transporting the vessel and associated equipment on any public road. This would affect those who haul fish home to eat in water or those who want to save bait for later use.

It was recommended that the transport of aquatic macrophytes (aquatic plants that are visible to the naked eye) on any public road or highway shall be prohibited, except a person may transport aquatic macrophytes:

### **NEW PUBLIC LAND IN FLINT HILLS DEDICATED**

KDWP acquitted a 1,400-acre parcel of land southeast of Eureka in Greenwood County thanks to the generosity of Dr. Frances Moss-Mayo. The new public wildlife area was dedicated in April and named the Frank and Frances Moss Wildlife Area, after Dr. Moss-Mayo's grandparents, who originally owned the land.

Currently being managed for cattle grazing, this piece of property holds great potential for preservation of native Flint Hills prairie for public use. Vegetation includes native warm-season grasses and some wooded drainages that could provide excellent hunting, particularly for white-tailed deer, bobwhite quail, and prairie chicken. Small ponds on the area may also provide angling opportunities.

Appraised at more than \$1.2 million dollars, the property was purchased using a U.S. Fish and Wildlife and Service grant, which Dr. Moss-Mayo matched by donating half the appraised value.

## **OTTER TRAPPING SEASON PROPOSED**

KDWP is proposing to allow a limited river otter harvest, beginning with the 2011 furharvesting season. A harvest quota of 100 otters has been proposed, plus any that are taken during a 72-hour grace period after the quota is reached. A conservative estimate of the number of river otters in the primary portion of occupied habitat (eastern Kansas) is 1,400. Based on modeling efforts from other states, a 10 percent annual harvest will allow for a recently established and growing population to continue to expand. An initial harvest of 100 otters would be conservative, accounting for 7.1 percent of the otters from our estimate.

A season bag limit of two otters per trapper has been proposed, and the season dates would be the same as the beaver trapping season, November 16-March 31 – or until 3 days after the quota is met. Given the likelihood of incidental take by beaver trappers, harvest dates and techniques should be identical as possible. A three-day grace period is intended to allow time for notification that the quota has been met.

River otters must be CITES pelt tagged in the same manner as bobcats. Trappers will be required to contact the department within 24 hours of capturing an otter. A department employee will arrange to meet with the trapper and report the harvest to a master database, where progress toward the quota will be maintained. The trapper will have four days to present the skinned pelt for tagging. In order to monitor the status of the population, it will be necessary to collect samples from the carcasses of harvested animals. The skinned carcass including the skull will be collected at the time of pelt tagging. The four days between harvest and tagging/carcass collection is intended to provide time for the trapper to skin the otter or have a taxidermist skin it if they wish to have it mounted, while also getting the carcass to the department quickly enough to prevent spoilage.

## **TEN DEER CONFIRMED CWD POSITIVE**

On March 2, KDWP announced that 10 deer from northwestern Kansas had tested positive for chronic wasting disease, the same number as last year although two of those deer were found in counties farther east than any previous confirmations. These were animals taken by hunters in the 2010 hunting seasons.

Six confirmed CWD-infected deer were taken by hunters in Decatur County and one each from Graham, Norton, Sherman, and Smith counties. The Norton, Sherman, and Smith cases were firsts for those counties. The cases included nine white-tailed and one mule deer. This season's testing results brings the total number of confirmed CWD cases in Kansas to 40 since testing began in 1996. In total, 2,503 animals were tested for CWD for the 2010 deer seasons. Although most testing is finished for the year, KDWP will continue testing some vehicle-killed and sick or suspect-looking deer, as well as deer taken with depredation permits, through July 31. If U.S. Department of Agriculture funding is available, and new surveillance period will begin Aug. 1.

CWD was first detected in a wild deer taken in Cheyenne County in 2005. Three infected deer were taken in Decatur County in 2007 and 10 tested positive in 2008, all in northwest Kansas.

## **KDWP OFFERING SPRING OUTDOORS-WOMAN WORKSHOP**

Becoming an Outdoors-Woman (BOW) program has become so popular that KDWP offered a spring workshop to complement the traditional fall workshop that has been offered annually since 1994. The first spring workshop, May 13, 14, and 15 hosted 48 women who had never attended a BOW workshop.

The Kansas BOW provides women a chance to learn about hunting, fishing, and other outdoor recreation in a friendly, supportive environment. During the three-day workshop, volunteer instructors teach participants a variety of skills, including fishing, wingshooting, camping, orienteering, rifle marksmanship, botany, dog handling, archery, and more.

## **KANSAS, ILLINOIS AUTHORITIES COOPERATE IN TURKEY STING**

A two-year, cooperative investigation among the KDWP, the Illinois Department of Natural Resources (DNR), and the U.S. Fish and Wildlife Service (USFWS) has resulted in the prosecution of 11 Effingham County, Illinois, men for violating multiple Kansas game laws. The case had been referred to Kansas by Illinois Conservation Police and the USFWS in 2009 after investigation of a case in Illinois revealed that the same people being investigated there were also illegally taking wild turkeys in Kansas. KDWP Law Enforcement Division investigator Doug Whiteaker assisted in the effort.

The investigation revealed that two groups of Illinois hunters had been traveling to Kansas to turkey hunt for several years. Among other game law violations, the group had been taking over the limit of turkeys. Illinois Conservation Police and the USFWS interviewed the group of men in May 2009 and seized eight whole turkeys, more than 20 sets of spurs, 24 beards, 19 packages of turkey meat, and five unused turkey permits at that time.

## **ARCHERY IN THE SCHOOLS SECOND STATE MEET BIGGER, BETTER**

The second annual Kansas State Archery In the Schools (AIS) Championship meet was held at Fort Hays State University on March 12, and participation revealed that the program is growing dramatically in popularity. Six participating school districts (Anthony, Clearwater, Ell-Saline, Healy, Jackson Heights, and Rose Hill) entered 246 youngsters, including 47 high school, 123 middle school, and 76 elementary school students. This compares to 78 total participants in the inaugural event last year.

The focus of the AIS program is to provide international style target archery training in grades 4-12 physical education classes. The Kansas Archery in the Schools Program operates under the umbrella of the Kansas Department of Wildlife and Parks (KDWP) and the National Archery in the Schools Program (NASP).

Fort Hays State was the first university to establish a program, under the direction of Dr. Joyce Ellis, assistant professor in the school's Department of Health and Human Performance. For the second year in a row, Ellis has also been the driving force behind the state championship meet.

Because archery is not sanctioned by the Kansas State High School Activities Association, some schools restrict money used to establish programs or pay travel expenses for competitions. Schools with the program hold fund raisers with the help of supporters, students, local businesses, and community volunteers. Partial funding for equipment comes from KDWP and NASP. And this year, support came from Genesis

Bows, Morrell Targets, Bass Pro Shops, the Kansas Bowhunters Association, and Cabela's.

## **BROTHERS PLEAD GUILTY TO FELONIES IN KANSAS DEER HUNTING AND GUIDING OPERATION**

On March 16, James Bobby Butler Jr. and Marlin Jackson Butler pleaded guilty in federal court in Wichita to felony conspiracy and wildlife trafficking charges stemming from the illegal sale of guided deer hunts in southern Kansas, the Department of Justice and the U.S. Attorney's Office for the District of Kansas announced.

James Bobby Butler Jr., 42, pleaded guilty to one count of conspiracy to violate the Lacey Act, one substantive Lacey Act count, and one count of obstruction of justice. His brother, Marlin Jackson Butler, 36, pleaded guilty to one count of conspiracy to violate the Lacey Act and one Lacey Act count. Both men are from Martinsville, Texas.

According to the May 2010 indictment in the case and the March 16 plea agreements, James and Marlin Butler conspired to knowingly transport and sell in interstate commerce deer that had been hunted in violation of Kansas state law. The brothers operated a guiding service and hunting camp near Coldwater where they sold guiding services to out-of-state hunters for the purpose of illegally hunting and killing white-tailed and mule deer. Hunters guided by the Butler brothers killed deer in excess of annual bag limits, hunted deer without permits or while using permits for the wrong deer management unit, killed deer using illegal equipment, and hunted using prohibited methods such as spotlighting.

The guided hunts were sold for between \$2,500 and \$5,500 and in several instances resulted in the killing of trophy-sized buck deer. In the plea agreements, the Butlers admitted knowingly selling guided hunts for the illegal taking of the 25 buck deer identified in the indictment, for which hunters paid them \$77,500 in guiding fees plus tips. In addition to selling guiding services, the brothers also arranged for transport of the deer, in particular the antlers and capes, from Kansas to Texas and Louisiana. James Butler also admitted in his plea agreement that he instructed another person to conceal or destroy evidence during the investigation.

The maximum penalty for a felony violation of the conspiracy statute and the Lacey Act includes as many as five years in prison and a \$250,000 fine. The maximum penalty for the obstruction charge against James Butler includes as many as 20 years in prison and \$250,000 fine. According to the plea agreements filed, the prosecution agreed to recommend sentences of 41 months in prison for James Butler and 27 months in prison for Marlin Butler, in addition to fines, restitution, and three years of supervised release during which time both Butler brothers would be prohibited from all hunting and guiding activity. Sentencing hearings for both defendants are set for June 2, 2011.

The case was investigated by the U.S. Fish and Wildlife Service, the Kansas Department of Wildlife and Parks, and the Texas Parks and Wildlife Department. The case is being jointly prosecuted by the U.S. Attorney's Office for the District of Kansas and Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division.

## **TRAVEL AND TOURISM MOVING TO WILDLIFE AND PARKS**

On Jan. 26, Governor Sam Brownback submitted to the Kansas Legislature Executive Reorganization Order (ERO) 36 — which would transfer the Division of Travel and Tourism from the Department of Commerce to the Kansas Department of Wildlife and Parks (KDWP). An ERO becomes effective July 1 following its transmittal to the Legislature, unless within 60 calendar days either the Kansas Senate or the House adopts a resolution disapproving the ERO. Monday, March 28, marked the end of those 60 calendar days without any disapproving action from either legislative body, ensuring the merger on July 1.

Robin Jennison, who was appointed Secretary of Wildlife and Parks in January, noted that tourism plays a vital part in the state's economy, particularly as the state recovers from the recession.

"I am especially gratified that legislators recognized the valuable role of tourism in our state and allowed this action to move forward," Jennison said. "We are looking forward to the opportunities that will be created by merging the Division of Travel and Tourism team with this agency."

Becky Blake, Director of Travel and Tourism added, "More than 31 million visitors spend nearly \$7.2 billion annually and support 125,000 jobs in our state. This reorganization will allow us to more closely align our tourism assets and grow the tourism economy in a more strategic manner."

All 13 Travel and Tourism staff members will move to KDWP, which will be renamed the Kansas Department of Wildlife, Parks and Tourism. The order also creates an Assistant Secretary of Parks and Tourism position and renames the position of Assistant Secretary for Operations to Assistant Secretary for Wildlife, Fisheries and Boating.

Linda Craghead will become the new Assistant Secretary for Parks and Tourism located in the Topeka Secretary's Office. Craghead has a strong background in tourism, marketing and business development. She was formerly the executive director of the Flint Hills Tourism Coalition where she was responsible for the development, direction, oversight and coordination of a tourism program for the Kansas Flint Hills region. Craghead has served as the Wabaunsee County Economic Development Director, and most recently, she was the site coordinator for the annual Symphony in the Flint Hills.

Also on July 1, 2011, Keith Sexson, currently the Assistant Secretary of Operations, will become the Assistant Secretary for Wildlife, Fisheries and Boating.

## **THE 29TH PRAIRIE GROUSE TECHNICAL COUNCIL IN HAYS OCT. 4-6**

On Oct. 4-6, 2011, the Kansas Department of Wildlife and Parks (KDWP) will host the 29th meeting of the Prairie Grouse Technical Council (PGTC) at Fort Hays State University in Hays. Prairie grouse conservationists from across the country — both professional and amateur — will gather to share knowledge, data, and appreciation of prairie grouse populations throughout their range.

Participants will have the opportunity to see the impact of Farm Bill programs, such as the Conservation Reserve Program (CRP), on prairie grouse populations in western Kansas.

For professional biologists attending, abstracts for the meeting are now being accepted. The deadline for receipt of abstracts is Aug. 15. Authors will be notified by Sept. 1 if their submissions have been accepted or not. Presentation of abstracts should be limited to 15 minutes. Speakers will be notified of the day, time, and location of their presentations. Email abstracts to Jim Pitman ([jim.pitman@ksoutdoors.com](mailto:jim.pitman@ksoutdoors.com)) in Microsoft Word or plain text format. Those who do not have email may fax abstracts to 620-342-6248 or mail them to Jim Pitman, c/o KDWP, 1830 Merchant, Emporia, KS 66801. State biologists attending are asked to submit reports on the status of prairie grouse in their states. Reports will include information on hunting and harvest of prairie grouse species by state (if applicable), population trends, conservation programs, and recent or ongoing research activities.

The meeting will include presentation of the Hamerstrom Award for the 29th PGTC Conference, and nominations for this award are now being accepted. This award was established in honor of Fred and Fran Hamerstrom, pioneers of prairie grouse research and management. The award recognizes “individuals and organization who have made significant contributions in prairie grouse research, management or other support programs that have enhanced the welfare of one or more species of prairie grouse in a particular state or region.” The deadline for nominations is Sept. 4.

In addition to the various prairie grouse reports, the event will feature presentations by experts in the field, field trips, educational meetings, and a banquet and auction.

For more information or to register, phone David Dahlgren at 785-628-8614 or email [dave.dahlgren@ksoutdoors.com](mailto:dave.dahlgren@ksoutdoors.com), or phone Pitman at 620-342-0658 or email him at [jim.pitman@ksoutdoors.com](mailto:jim.pitman@ksoutdoors.com). Questions regarding the technical program should go to Pitman; all other logistical questions for the meeting should go to Dahlgren.

## **CABELA’S ANNOUNCES WANNA GO FISHING FOR MILLIONS? PROMOTION**

KDWP is participating in a fishing promotion through Wanna Go Fishing TV and Cabelas. Tagged fish released in eight Kansas reservoirs, as well as those in those of 18 other states are worth prizes and cash – potentially as much as to \$2.2 million.

In celebration of Cabela’s 50th anniversary, the 50th tag redeemed will win a \$10,000 Cabela’s shopping spree that can be redeemed in a store or online. There are additional prizes for the first fish tag redeemed in every state.

Anglers catching tagged fish while using certain equipment can increase the value of their prize. Catch the grand prize fish while sporting Costa sunglasses or Sperry Top-Sider shoes, and you can increase the prize package by \$100,000.

Local waters that have been stocked with prize-winning tags were announced May 14 and the promotion runs through July 14.