

**Testimony on HB 2167 regarding Transferable Deer Permits
To
The House Committee on Commerce, Labor and Economic Development**

**By Brad Loveless
Secretary
Kansas Department of Wildlife, Parks and Tourism**

14 March 2019

HB 2167 would create a transferable deer permit system. **The Department opposes HB 2167.** The act would be effective upon publication in the statute book.

Deer hunting is a very popular sport in Kansas to both residents and non-residents. Kansas is popular with hunters because of the quality of the deer herd. Deer management in Kansas is a continual process to find a balance between competing interests of providing opportunities for Kansas residents, non-residents who wish to hunt here, maintaining a quality resource and the tolerance of society for the size of the herd. Within those competing interests, the preference of one group often conflicts with the wishes of others. Specifically, this bill conflicts with the expressed interests of the great majority of Kansas landowners and also of resident hunters. As happened when transferrable deer permits were allowed in 1999, we believe this initiative will be quickly recognized as unwieldy, unwise and unpopular and will be quickly rescinded.

Kansas does provide an unusually large number of non-resident tags for whitetail deer hunting, comprising over 24% of deer licenses in 2018. Last year, only 867 nonresidents out of 22,436 first choice applicants were unsuccessful in the drawing for 21,816 permits. After applying second choices, there were 247 leftover permits available to fill that gap. Conceivably, nearly 100% of nonresident applicants could have hunted in Kansas if they had desired. As a comparison, most Midwestern states allow 10% or fewer non-resident deer hunters. Iowa, another nearby “trophy deer” state, issued only 6,000 non-resident deer tags for the 20,000 applicants annually.

Also, not all residents want to see unlimited non-resident deer tags in Kansas. Resident deer hunters declined by 11,227 hunters between 2015 and 2018. Based on the complaints we receive from resident hunters, this is in part due to the perception by residents that non-resident hunters are placing too much pressure on the deer herd. And the great majority of landowners do not agree that there should be more non-resident deer hunters. In a 2013 Landowner Deer Survey, less than 24% of landowners who responded wanted to see an increase in the portion of non-resident hunters allowed and in an updated 2017 survey similar numbers listed this as important. In that same 2017 Docking Institute survey two thirds of landowners said more walk-in hunting acres were needed.

House Bill 2167 makes an already complicated permit system more complicated and confusing for hunters, landowners and law enforcement personnel. That 2017 landowner survey showed that 80% responded that it is between important and extremely important to simplify our permit regulations. When this type of

permit was authorized before it led to inappropriate transfers resulting in accidental violations. It also led to unscrupulous activities that increased poaching.

An unintended consequence of this bill may also be regulation of the deer herd. One of the points of balance managing the state's deer herd is control of the number of deer. The size of a deer herd is controlled by the harvest of does. It is not exclusive, but resident deer hunters are much more likely to harvest a doe than a non-resident who pays a significant amount for the opportunity to harvest a "trophy". Unlimited non-resident permits will over time displace resident hunters as competition for places to hunt increases. This is a phenomenon that has occurred in other states as leasing of hunting rights has increased. And those who pay for hunting leases often insist that no one else be given permission to hunt the same land even if it is for other species. While the Department supports the landowner's right to allow who they want to hunt and to market access to their land if they want to, the size of the deer herd in the state can only be controlled by doe harvest.

Another unintended consequence of the bill is the unlimited number of permits and the potential harm that may result by placing additional biological pressure on the buck portion of the deer herd. This proposal places an unknown factor and substantial risk into a system that generates hundreds of millions of dollars for the Kansas economy.

The bill also raises many questions about the process to ensure a valid permit can be issued. The bill is not clear on who has primacy for a permit, the landowner or tenant, whether a transferor is still eligible for an additional permit for themselves or if the landowner or tenant is limited to one permit per property or one total permit. Testimony and discussion both in the House Agriculture Committee and on the House floor stand in direct opposition to one another.

The Department believes this bill is unnecessary as the overwhelming majority of applicants already receive non-resident permits, landowners already have complete control to charge hunters whatever the market will bear for access to their land, a depredation system exists to help landowners alleviate crop depredation and a permit system exists for non-resident lineal relatives to come back and hunt on family property. If passed, this bill will unnecessarily complicate the process of receiving non-resident deer permits and potentially impact our state's ability to manage the deer population.

The Department appreciates the support of the Committee in opposing HB 2167 and the opportunity to address the Committee.