

To: The House Standing Committee on Agriculture and Natural Resources.

Re: HB 2709 - Establishing the restitution value for unlawfully taken antlered whitetail deer.

My name is Tim Donges. I own a farm in Butler County, Kansas. I am the President of the QDMA (Quality Deer Management Association) Bluestem Branch in El Dorado, Kansas. I grew up working on Dairy Farms in Pennsylvania. I then went on to Penn State University and graduated with a degree in Administration of Justice. I am a member of the Alpha Gamma Rho Agriculture fraternity, the same fraternity as Governor Brownback. I then served 4 years in the U.S. Coast Guard before moving to Kansas. I decided to move to Kansas because it has a strong Agriculture background like many of the Midwest states, and because of the Quality of the Whitetail deer that is located here in Kansas. I own and operate several businesses along with owning my farm.

Since coming to Kansas in 1998, I noticed a problem that I have not encountered in any of the other states that I have lived or hunted. I thought maybe it was just my area that had a problem. However, the more I talked to farmers, ranchers, and hunters; I was getting the same story, just in different versions.

The problem is we have illegal hunters that are poaching deer, road hunting, and trespassing. Some say we have too many deer, who cares if a poacher shoots some? Here is an example of what is happening in my neighborhood. Every year, in our neighborhood, at least 2 people that are armed with weapons, have been prosecuted for poaching. We have standing crop fields of beans and corn that someone drove through before harvest (2 years in a row). I have had my life threatened by 4 people who jerked my car door open and told me I needed to stop working with the game warden or they would kill me. I have the beer cans that pile up along my gates (they throw them there out of spite) and along roadways from the poachers road hunting. I put a camera at my house gate (because of the beer cans). I have over 150 pictures of 2 poachers masturbating in front of my camera. They have put up road blocks to keep people from going down the roads so they can hunt illegally. One poacher has been prosecuted twice for commercialization of hunting. I have another poacher who trespasses with a ski mask while he carries his high powered rifle. I had 2 does shot 50 yards from my house and left to lay and rot. I have a farmer friend with 7 bullet holes in his equipment shed 4 miles down the road from me. He says it is from 3 separate incidents and the barn isn't 40 yards from his house. I have a father-in-law in another county with 3 dead cows, one shot through the barn doors. I can go on and on, but it is the same story across the state. I have one farmer in another county who has been personally responsible for 33 separate arrests in his neighborhood. The landowners are sick of this problem. They feel the system is broke and that is why I am here. The landowners and hunters all thank me, but they said I am wasting my time with this effort. They think no one cares or will even listen to me.

A study was recently conducted in the state of Missouri looking into the background of our modern day poachers. The study showed that 20% of poachers were considered violent offenders (murders, rapist, aggravated assault with a weapon, burglary, assault, etc.). Ask the farmer who got his throat cut by a poacher, when he caught the poacher trespassing. The

poacher is now in prison for attempted murder. This took place here in Kansas near Council Grove, Chase County. The regional director for the Midwest QDMA, Chris Blackledge, has a ranch there and the poacher was a tenant of his. I have attached to this testimony a copy of the newspaper article by the Associated Press about this case. The Missouri study also showed that 50% were either under the influence of drugs or alcohol during the offense. The poachers today do not shoot deer to feed their families. We have the food stamp program and the farmers and hunters feeding the hungry program. The poachers spend \$800 on a rifle with scope, \$30 on bullets, \$30 on a case of beer or drugs, and \$75.00 on a tank of gas to go road hunting. These people are not feeding their families.

I want everyone to sit back and think how they would feel if they had people trespassing or road hunting with guns while under the influence of alcohol or drugs and your family members and kids are outside enjoying the day on your own property. Ask Bob Arndt of Americus, Kansas about his son Beau Arndt being shot and killed by a road hunter (Theron Thomas Kent of Topeka) on his 19th birthday. Kent's brother, David Kent of Topeka, was his passenger that fatal day. Think of the safety issues involved with this type of behavior. I know of farmers and ranchers who say they are taking these matters in their own hands (by gun) in order to protect their own property and family. I am here to help our rural communities and we are asking you for your support.

The bill that we are introducing is just one part of several changes we are working on in order to help with the problems. This first bill is for restitution for whitetail deer values. This bill comes from the state of Ohio, which was implemented around 2007. The Ohio bill was praised as being one of the better bills for setting deer restitution values. Some people ask, why do we need restitution for deer? Illegal taking of whitetail deer is directly connected to the black market, like a lot of wildlife. An example would be the Milo Hansen Buck from Canada. I know several years ago he had made around \$800,000 to date from shooting that world record typical. I also have known several other deer mounts that have been insured over the \$100,000 mark.

The economics of shooting trophy deer are similar to livestock, such as race horses and high end breeding bulls. When one shoots a trophy class deer, you can draw seaman straws to sell, sell your story to magazines, endorse hunting products, sell replicas of the deer, or even sell the deer itself. The property where you shot the deer will increase in value, along with leasing fees due to the genetic and nutritional value of that property. Also many Kansas ranchers and farmers rely on leasing and guide fees as part of their income. Hunters buy licenses, gas, food, motel rooms, lease land, buy land, and pay taxidermist to mount trophies. This is our rural tourism draw that we have here in Kansas that some states do not. True story! Comanche County - largest illegal deer hunting case in the U.S. went to federal court in Wichita, Kansas, 2011. Poachers shot 119 trophy deer illegally over 60 hunters involved from several states. They used airplanes to transport the poachers to Kansas. They used military type equipment such as night vision (\$10,000 scopes) in order to profit from poaching.

The bill is a formula we use based off of the Boone and Crocket system. We use it to measure the trophy status of animals. Here is the formula: $\text{restitution} = (\text{gross score} - 100)^2 \times \2.00 . The Boone and Crocket scale starts at 125" and goes up from there at 1/8 of an inch increment. The system is a world recognized system of measurement for trophy animals. Here is an example: True story! This February, 2012, at the "Monster Buck Classic, We are Kansas", in Topeka at the Expo Center, a hunter (David V. Kent of Topeka) illegally shoots a trophy deer and brings it to the "Classic" to have it scored.

http://www.Kansas.com/2012/02/12/2213076/hunting-enthusiasts-think-its.html?story_link=email_msg

The deer grosses 200" and is found to be taken illegally. The deer is a new typical state record of Kansas, but has an inside spread less than our current statue that is 17" inside spread. This deer does not meet the Kansas current statue of being a trophy deer, so there is no fine attached to the deer. Now under the proposed new system $(\text{gross score } 200" - 100)^2 \times \2.00 , it would be as follows: $(100)^2 = 10,000 \times \$2.00 = \text{restitution value of } \$20,000$. That score would be a Kansas state record size deer. Now a deer with not so good genetic potential, such as a 130", $\{(\text{gross score } 130 - 100)^2 \times \$2.00\}$ would be \$1,800.

I would appreciate you vote on House Bill 2709.

Respectfully,

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