



# **PERFORMANCE AUDIT REPORT**

## **Limited-Scope Audit**

**Department of Wildlife and Parks: Reviewing Issues  
Related to the Walk-In Hunting Access Program**

**A Report to the Legislative Post Audit Committee  
By the Legislative Division of Post Audit  
State of Kansas  
April 2008**

# ***Legislative Post Audit Committee***

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## ***Legislative Division of Post Audit***

**THE LEGISLATIVE POST** Audit Committee and its audit agency, the Legislative Division of Post Audit, are the audit arm of Kansas government. The programs and activities of State government now cost about \$10 billion a year. As legislators and administrators try increasingly to allocate tax dollars effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by Legislative Post Audit helps provide that information.

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April 29, 2008

To: Members, Legislative Post Audit Committee

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This report contains the findings and conclusions from our completed performance audit, *Kansas Department of Wildlife and Parks: Reviewing Issues Related to the Walk-In Hunting Access Program*.

The report includes several recommendations for the Department of Wildlife and Parks. We recommended Department officials strengthen their conflict-of-interest policies and procedures through a centralized and periodic review process, and by more clearly specifying the consequences for violating those policies and procedures. We also recommended that the Department take steps to ensure its contract database information is updated, and develop a process for more easily tracking individual contracts over time.

We would be happy to discuss the findings presented in this report with any legislative committees, individual legislators, or other State officials.

Barbara J. Hinton  
Legislative Post Auditor

## Get the Big Picture

Read these Sections and Features:

1. **Executive Summary** - an overview of the questions we asked and the answers we found.
2. **Conclusion and Recommendations** - are referenced in the Executive Summary and appear in a box after each question in the report.
3. **Agency Response** - also referenced in the Executive Summary and is the last Appendix.

### *Helpful Tools for Getting to the Detail*

- In most cases, an “**At a Glance**” description of the agency or department appears within the first few pages of the main report.
- **Side Headings** point out key issues and findings.
- **Charts/Tables** may be found throughout the report, and help provide a picture of what we found.
- **Narrative text boxes** can highlight interesting information, or provide detailed examples of problems we found.
- **Appendices** may include additional supporting documentation, along with the audit **Scope Statement** and **Agency Response(s)**.

**EXECUTIVE SUMMARY**  
LEGISLATIVE DIVISION OF POST AUDIT

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**Overview of the Walk-In Hunting Access Program**

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**The Program was created in 1995 to give hunters access** ..... page 3  
**to private property.** *Under the Walk-In Hunting Access Program, the State leases private land to provide access to upland game bird, deer, waterfowl, and squirrel hunting. The Program leases various land types, including land enrolled in the Conservation Reserve Program (CRP), native rangeland, wheat or milo stubble, and wetland areas. In 2007, the Department spent about \$1.9 million to operate the Program and lease just over one million acres for hunting. The leased tracts of land ranged in size from 30 acres to 15,640 acres, and payments to landowners ranged from about 28¢ per acre to \$5.63 per acre. About 84% of all enrolled land was located in western Kansas.*

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**Does the Department of Wildlife and Parks Have Adequate Policies  
And Procedures To Ensure That Staff Aren't Able To Use Their  
Positions with the Walk-In Hunting Access Program for  
Personal Gain?**

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**In general, the Department has reasonable procedures to** ..... page 5  
**identify and prevent conflicts of interest.** *According to best practices for managing potential conflicts of interest, agencies should clearly define and communicate conflict-of-interest policies and procedures, monitor and evaluate the effectiveness of those policies, and enforce them through clearly specified consequences for non-compliance. Generally, the Department's conflict-of-interest policies and procedures are consistent with these requirements. However, those policies and procedures could be strengthened by periodically pulling together information about outside employment for upper management's review and more clearly specifying the consequences of violating conflict-of-interest policies and procedures. The Department also needs to update its policies and procedures on conflicts of interest to ensure that they reflect current management's philosophies.*

**Program staff and supervisors appear to be complying with the** ..... page 7  
**Department's current policies.** *The Department's current policies require employees to report outside employment activities to their supervisor and to the personnel office. In all cases we reviewed, Walk-In Hunting Access biologists reported outside employment to supervisors or to the personnel office. We saw one instance where management had approved a Program employee's request in 2005 to lease some land and charge several other hunters a fee for hunting access. Although this request was reported and*

*approved according to Department policy, this situation created at least the appearance of a conflict of interest because one of the employee's job duties was to lease land for the Walk-In Hunting Access Program. The employee reported that he never actually leased the land.*

**We identified improvements the Department could make in how it keeps records for the Walk-In Hunting Access Program.** ..... page 10  
*While reviewing Program records, we noted two issues related to the Department's data that could affect how well officials manage the Walk-In Hunting Access Program. First, in 2006 and 2007 the Department didn't update the information in its contract databases for the Walk-In Hunting Access Program to accurately reflect 27 leases that had been cancelled. Second, the Department annually changes the contract numbers on all contracts in its database—even for those that are multi-year contracts—making it difficult to track what's happening with individual contracts.*

**Conclusion** ..... page 10

**Recommendations** ..... page 11

**APPENDIX A: Scope Statement** ..... page 12

**APPENDIX B: Agency Response** ..... page 13

This audit was conducted by Justin Stowe. Leo Hafner was the audit manager. If you need any additional information about the audit's findings, please contact Justin Stowe at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call us at (785) 296-3792, or contact us via the Internet at LPA@lpa.state.ks.us.

# Department of Wildlife and Parks: Reviewing Issues Related to the Walk-In Hunting Access Program

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To expand the amount of land available for hunting in Kansas, the Department of Wildlife and Parks leases private land through its Walk-In Hunting Access Program. The public can then hunt on that land at no charge. In fiscal year 2007, the Department leased about 1.1 million acres of private land for the Program at a total cost of about \$1.9 million.

Recently, legislators have heard concerns that Department biologists who administer the Program may be using their positions to identify hunting land useful for their private business interests, and are leasing that land on their own behalf rather than for the Program.

This limited-scope performance audit answers the following question:

**Does the Department of Wildlife and Parks have adequate policies and procedures in place to ensure that staff aren't able to use their positions with the Walk-In Hunting Access Program for personal gain?**

To answer this question, we reviewed the Department's policies and procedures requiring employees to disclose outside employment or business interests that might pose a conflict of interest in carrying out their job duties. We compared those policies to State law and best practices to determine if they were adequate to prevent abuse, and checked to determine whether those procedures were being followed by management and staff.

We also compared the home addresses and phone numbers of biologists responsible for the Walk-In Hunting Access Program against Internet listings of commercial hunting guide businesses, reviewed statements of substantial interest, and talked to biologists to determine whether they owned or operated commercial hunting guide or outfitter businesses. We compared the information about staff's outside employment against what had been reported to their supervisors and the Department's personnel office to ensure that all relevant employment had been reported in accordance with Department policy. Finally, we reviewed all instances of outside employment to determine whether there was a possible conflict of interest.

A copy of the scope statement for this audit approved by the Legislative Post Audit Committee is included in *Appendix A*.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



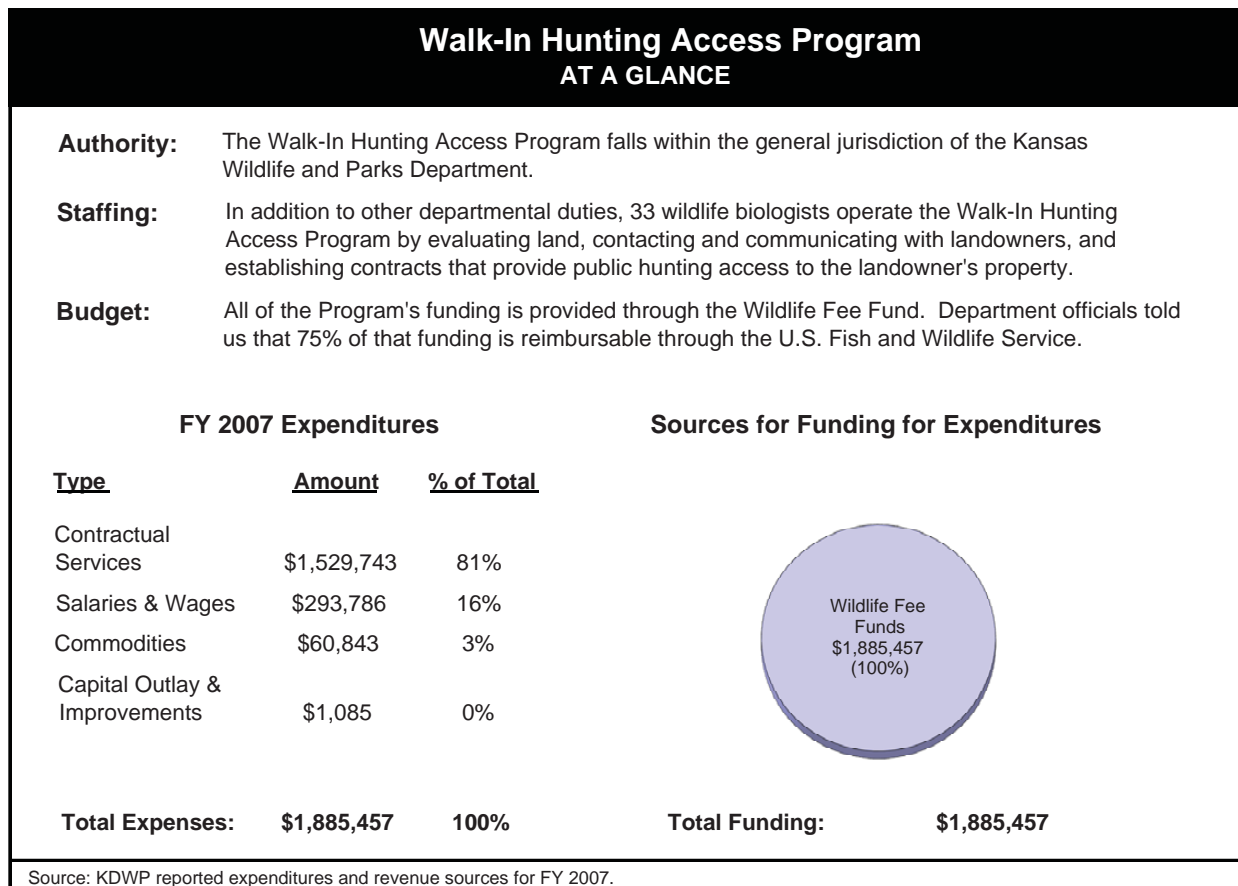
## Overview of the Walk-In Hunting Access Program

***The Program Was Created In 1995 to Provide Hunters Access To Private Property***

Under the Walk-In Hunting Access Program, the State leases private land to provide access to upland game bird, deer, waterfowl, and squirrel hunting. To enroll their land in the Program, landowners can submit an application or contact the Department of Wildlife and Parks, or Department staff may contact eligible landowners.

The Program leases various land types, including land enrolled in the Conservation Reserve Program (CRP), native rangeland, wheat or milo stubble, and wetland areas. Leased land is posted with signs designating it as part of the Program, safety zones are clearly marked, and the area is patrolled regularly by the Department. State law gives landowners immunity for damages or injuries resulting from the use of their land for the Program.

The Walk-In Hunting Access Program is funded entirely through the Wildlife Fee Fund, which gets its money from the sale of licenses, permits, and stamps issued by the Department. According to Department officials, three-quarters of the Program's expenditures are reimbursable through the U.S. Fish and Game Service Department.



**In 2007, the Department spent about \$1.9 million to operate the Program and lease just over 1 million acres for hunting.** In fiscal year 2007, the Walk-In Hunting Access Program leased tracts of land that ranged in size from 30 acres to 15,640 acres, with payments to landowners ranging from about 28¢ to \$5.63 per acre. Lease contracts—which accounted for 81% of total Program expenditures in 2007—can cover multiple years, but the land typically is made available to hunters only during hunting season.

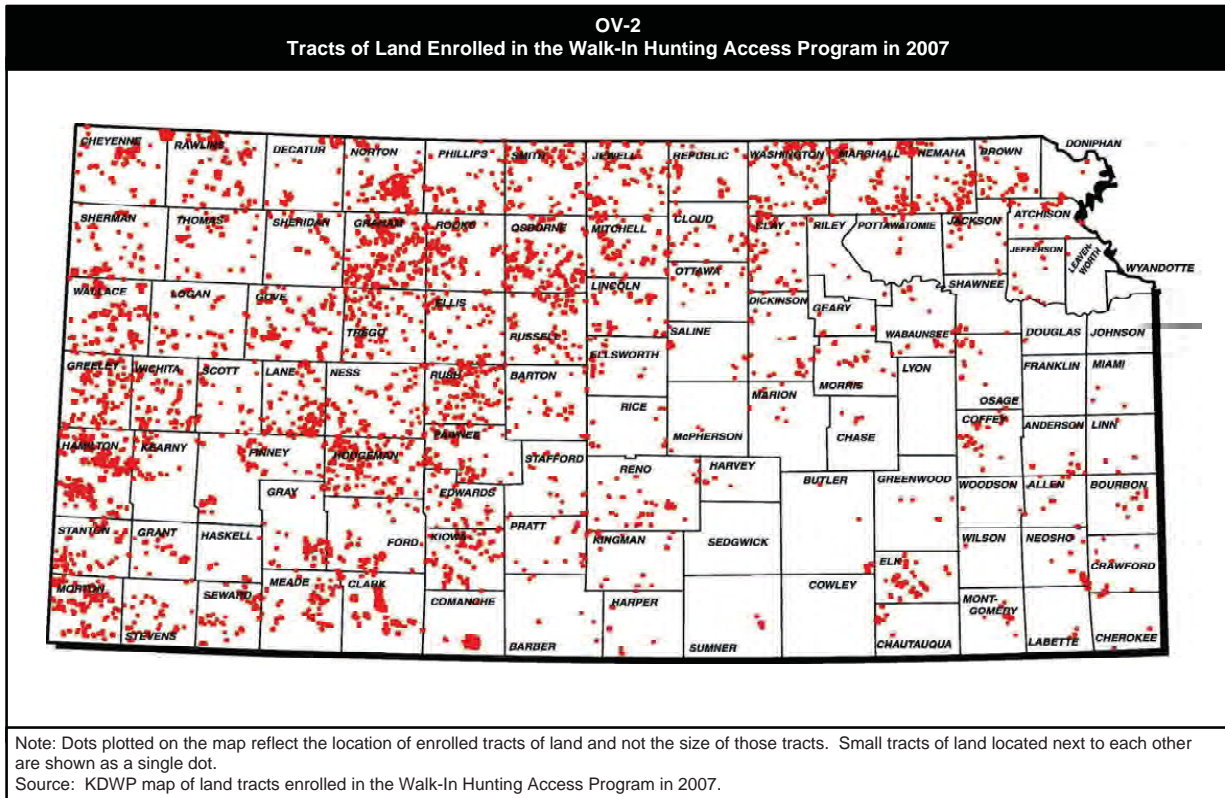
**OV-1**  
**Summary of Total Walk-In Hunting Access Program Expenditures and Enrolled Acreage for Fiscal Years 2003-2007**

Fiscal Year	Expenditures (in millions)	% Change From Prior Year	Total Acres Enrolled	% Change From Prior Year
2003	\$1.8	6.8%	998,430	7.2%
2004	\$1.7	-3.2%	1,075,359	7.7%
2005	\$1.8	7.2%	1,066,050	-0.9%
2006	\$1.8	0.0%	1,036,143	-2.8%
2007	\$1.9	2.7%	1,076,632	3.9%

Source: KDWP reported total fiscal year expenditures and LPA analysis of Walk-In Hunting Access Program contract data.

As *Figure OV-1* shows, total Program expenditures have been relatively stable over the past five years, fluctuating between \$1.7 and \$1.9 million. The total number of acres enrolled in the Program also has been fairly stable at about 1 million acres.

The Department leases land all over the State, but in fiscal year 2007 most of the larger tracts (150 or more acres) enrolled in the Walk-In Hunting Access Program were located in western Kansas. As a result, about 84% of all enrolled land was located in western Kansas. *Figure OV-2* shows land leased through the Program in 2007.



## Does the Department of Wildlife and Parks Have Adequate Policies and Procedures To Ensure That Staff Aren't Able To Use Their Positions with the Walk-In Hunting Access Program for Personal Gain?

**ANSWER IN BRIEF:** *Generally, the Department has reasonable policies and procedures to help ensure its employees don't abuse their positions for personal gain. However, those policies and procedures could be strengthened by having a more centralized reporting process, having upper management periodically review what's been reported, and more explicitly specifying consequences for non-compliance with policies. Employees responsible for the Walk-In Hunting Access Program are reporting outside employment and business interests according to Department policies; we didn't find any current employment that appeared to represent a conflict of interest. We did note one instance in 2005 where the Department approved an employee's request to lease land and charge hunters to hunt on it. Given the employee's duties at the Department, that request had at least the appearance of a conflict of interest. However, the employee told us he never actually leased the land after he got the Department's approval to do so. Finally, we identified a couple of weaknesses in how the Department maintains data for the Walk-In Hunting Access Program. These and other findings are discussed in the sections that follow.*

### ***In General, the Department Has Reasonable Procedures To Identify and Prevent Conflicts of Interest***

State laws relating to conflicts of interest require certain elected or appointed officials and State officers or employees to annually file a "statement of substantial interest" with the Secretary of State's Office. A statement of substantial interest is a form that requires public officials to disclose ownership of, or compensation from outside businesses. Typically these forms are required of higher-level employees in an agency such as legal counsel or employees who are responsible for things like awarding contracts. Most agencies wouldn't require employees such as the 33 wildlife biologists, who oversee the Walk-In Hunting Access Program to file these forms, but some employees voluntarily file even though they aren't required to.

According to best practices for managing potential conflicts of interest, agencies should clearly define and communicate conflict-of-interest policies and procedures, monitor and evaluate the effectiveness of those policies, and enforce them through clearly specified consequences for non-compliance. Generally, the Department's conflict-of-interest policies and procedures are consistent with these requirements. **Figure 1-1** summarizes steps the Department has taken to meet best practices.

Figure 1-1 Summary of the Department's Current Policies and Procedures Compared to Best Practices Related to Conflicts of Interest	
Best Practices Suggest That Agencies Should....	How the Department's Current Policies and Procedures Address Best Practices
...identify and clearly define situations that qualify as a conflict of interest	Department policy states that employees: <ul style="list-style-type: none"> <li>▶ must avoid conflicts of interest or the appearance of conflicts of interest in relation to outside employment</li> <li>▶ shouldn't use their public position for personal gain</li> <li>▶ shouldn't use their public position to promote outside employment or business activities</li> <li>▶ shouldn't engage in outside employment if it relates to their departmental duties</li> <li>▶ shouldn't use Department equipment, materials, or supplies for non-departmental purposes</li> <li>▶ shouldn't conduct personal business on Department time</li> </ul>
...ensure that employees are aware of requirements for identifying and declaring conflicts of interest	The Department requires employees to read through its conflict-of-interest policy during orientation and sign a form verifying that they have read the policy and will comply with it.
...involve management in policy enforcement through consistent decision making, monitoring, and evaluation.	Currently, supervisors are responsible for monitoring all reports of outside employment, and passing them up for mid-level management review, as needed.
...establish mechanisms to identify non-compliance with policies and procedures.	Employees are required to report outside employment activities to their supervisor and to the personnel office. Mid-level management reviews outside employment requests for compliance with conflict-of-interest policies on a case-by-case basis.
...outline consequences for non-compliance, including disciplinary actions.	Department policy currently states that any conflicts of interest or failure to satisfactorily perform Department work responsibilities due to outside employment may result in disciplinary action.
Source: LPA summary of best practice literature on conflicts of interest and Department's current conflict-of-interest policies and procedures.	

**The Department's existing policies and procedures could be strengthened in several areas.** While reviewing the Department's policies and procedures and records of employee's outside employment activities, we identified several improvements that could be made.

- **The Department lacks a procedure for periodically pulling together information about outside employment for upper management's review.** Staff reports of outside employment are done on an ad hoc basis. When an outside-employment issue arises, the employee notifies his or her supervisor, who may pass the information to a mid-level manager depending on the nature of the request. The staff member's request and management's decision then is documented in the Department's personnel records.

Given the current process, information about employees' outside employment is decentralized. Individual reports of outside employment aren't pulled together, and upper management doesn't periodically review them to ensure that policies are being adhered to and uniformly applied. We also noted that, because records aren't pulled together and periodically updated, there may be a number of employment situations shown in employees' personnel files that are no longer relevant.

- **The Department's policies could more clearly specify the consequences of violating conflict-of-interest policies and procedures.** Current Department policy states that employees may face disciplinary action for violations of conflict-of-interest policies, but doesn't specify what those actions might involve. Consequences for non-compliance with conflict-of-interest policies should be as specific as possible to help ensure consistent and fair enforcement, and to clearly communicate how seriously the organization views violations of those policies.
- **The Department needs to update its policies and procedures on conflicts of interest to ensure that they reflect current management's philosophies.** The Department's current conflict-of-interest policies were signed 15 years ago by a previous Secretary of Wildlife and Parks. Generally, it's good practice to periodically review policies and procedures to ensure that they reflect the philosophies of current management.

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***Program Staff and Supervisors Appear To Be Complying With the Department's Current Policies***

In addition to other departmental duties, 33 wildlife biologists are responsible for leasing and evaluating land for the Walk-in Hunting Access Program. It would be inappropriate for them to be involved in leasing land to conduct their own commercial hunting activities, or to run a hunting guide or outfitter business, because they would be in direct competition with the Program they oversee for the Department. As mentioned earlier in *Figure 1-1*, Department policy requires employees to report outside employment activities to their supervisor and to the personnel office.

**We didn't find any instances where Walk-In Hunting Access biologists didn't report outside employment to supervisors or to the personnel office.** To determine whether employees had outside employment that might present a conflict-of-interest, we conducted the following work:

- **We searched the Internet for hunting guides or outfitters in Kansas in an attempt to identify businesses that might be run by an employee of the Department of Wildlife and Parks.** We compared the names, addresses, and phone numbers of all 33 Walk-in Hunting Access biologists to Internet listings of almost 100 hunting guide and outfit businesses in Kansas. Our search didn't identify any instances of a biologist operating a commercial hunting guide or outfitter business.
- **We contacted Department biologists and asked them about their outside employment activities.** We contacted a total of seven biologists. Six of them were chosen because they handled a significant number of contracts cancelled in fiscal years 2006 and 2007. We selected these biologists because we thought a high number of cancelled contracts could indicate a biologist had approached landowners to lease land for their own benefit. We also included one biologist in our sample who we knew had requested Department permission to act as an assistant hunting guide and to lease land to hunters. We identified only one case of outside employment, which is discussed in a later section of the report.

- **We reviewed statements of substantial interest filed with the Secretary of State's Office.** Program biologists aren't required to fill out these forms, either by statute or by Department policy. Nonetheless, four biologists filed forms in 2007, and we reviewed these forms for reported outside employment or business interests. We found no relevant instances of outside employment as a result of this review.

**Landowners Remove Land  
From the Walk-In Hunting Access Program  
For a Number of Reasons**

Our review of Department records for 2006 and 2007 showed the most common reasons cited for removing land from the Program included: land was sold (44%), owner requested land be removed (10%), land wasn't good for hunting (6%), and land was leased to a private party (6%).

We also called three of seven landowners who had removed their land from the Walk-In Hunting Access Program in 2007, and whose cancellation forms had cited a lease to a private party as the reason for cancellation. All three told us that they hadn't heard of, or been approached by, Program biologists wanting to lease land for personal use.

- Two landowners said they cancelled their Walk-In Hunting Access Program contracts because they were offered more money from private hunters. One of these said he cancelled his contract because a commercial hunting guide business had offered him twice as much as the State was paying through the Program to use his land for hunting.
- Another landowner said he had cancelled his contract because of a bad experience with some hunters shooting young deer off the side of the road. He subsequently leased the land to a family member.

Once we had completed our search for biologists with outside employment or business interests, we compared that information to

what had been reported to Department supervisors and to the Department's personnel office. In each case, the information we found had been reported to the employee's supervisor and to the personnel office.

**Figure 1-2  
Employment Requests Filed by Current Walk-In Hunting  
Access Program Biologists Over the Past 25 Years**

Request Year	Biologist requested to...
2008	sell nightcrawlers during his spare time
2006	act as an assistant hunting guide for several days during the 2006 hunting season
2005	lease land and then charge hunters an access fee to use it
1984	start a self-employed business in the acquisition and resale of firearms, ammunition, and other accessories
1983	engage in part-time farm work such as haying and fence building, cleaning buildings, and concrete work; work as a meat butcher in the evenings for a short period
1983	work on taxidermy projects including game birds, small mammals or small game heads (coyotes, cats, etc); to sell surplus vegetables
1983	engage in farm labor; act as a stocking clerk for a liquor store; and to act as a dealer in firearms and ammunition sales

Source: LPA review of Department personnel records.

**We saw one instance where management approved an employment request in 2005 that we thought had at least the appearance of a conflict of interest.** *Figure 1-2* shows the types of requests for outside employment activities that employees have made to the Department over the past 25 years.

As the figure shows, a Walk-In Hunting Access Program biologist requested permission in 2005 to lease some land and charge several other hunters a fee for hunting access. The request was reported and reviewed according to Department policy. Department records indicate that management approved the request for two reasons:

1. Management concluded the request to lease land applied only to a single property and didn't reflect an intent to establish a business of leasing land to hunters.
2. Management specified that the leased land shouldn't be currently enrolled in the Walk-In Hunting Access Program.

In our opinion, this situation created at least the appearance of a conflict of interest because one of the employee's job duties was to lease land for the Walk-In Hunting Access Program. If the employee leased land for personal benefit, he would be in direct competition with the Program. This employee told us he never leased the land, despite getting the Department's permission to do so.

While conducting our work in this area, we also looked to see whether the Governmental Ethics Commission had ever ruled on a similar situation regarding outside employment or business interests by Department employees. We didn't find any similar situations for which the Commission had issued an opinion.

A summary of relevant Governmental Ethics opinions related to the Department of Wildlife and Parks can be found in the accompanying box.

**Kansas Ethics Commission Opinions Have Supported Several Wildlife and Parks Employee Requests for Outside Employment or Business Activities**

Legislators have heard concerns related to conflicts of interest involving Wildlife and Parks staff on a variety of issues from fish feeder sales to the purchase of transferable deer tags. We identified several Ethics Commission opinions that addressed outside employment or business activities of Department employees, and have summarized them below.

- **Question Posed: *Is it a conflict-of-interest violation for a Department fisheries biologist to act as a private fish-management consultant and to sell upscale fish feeders he developed on his own time to the State?*** *Opinion:* The employee can act as a fish-management consultant and sell fish feeders to the State, provided he doesn't participate in contract negotiations or have specific departmental duties that include those two services. (August 2004)
- **Question Posed: *Can a temporary employee of the Department be awarded maintenance contracts for two State lakes, given that he performs similar services as part of his public duties?*** *Opinion:* The employee can be awarded contracts for the maintenance of two State lakes, provided he isn't paid for these specific services through his departmental position. (April 2001)
- **Question Posed: *Can a wetlands manager for the Department act as a duck hunting boat dealer?*** *Opinion:* The employee can act as a duck hunting boat dealer, provided he doesn't participate in contract negotiations or have specific departmental duties related to boat sales. (May 1999)

**Transferable Deer Tags Are No Longer Being Offered  
Starting in Fiscal Year 2008**

Some hunters have complained to Legislators that Department of Wildlife and Parks employees might be using their positions to identify who has purchased transferable deer tags, and were using this information to contact owners, purchase their tags, and then re-sell those tags to out-of-State clients for a profit. We looked into this issue and found:

- A 2007 legislative amendment to K.S.A. 32-937 specified that transferrable deer tags would no longer be offered for purchase beginning January 2008.
- Lists of transferable deer tag owners have always been public records and could have been obtained from the Department by request. Thus, while Department employees might have had more immediate access to these lists, the information was available publicly to anyone who requested it.

***We Identified  
Improvements the  
Department Could Make  
In How It Keeps Records  
For the Walk-In Hunting  
Access Program***

While reviewing the records for the Walk-In Hunting Access Program, we noted a couple of issues related to the Department's data that could affect how well officials manage the Walk-In Hunting Access Program. Each of those is discussed below.

- **In 2006 and 2007, the Department didn't update the information in its contract databases for the Walk-In Hunting Access Program to accurately reflect leases that have been cancelled.** We received documentation for 114 cancelled contracts and compared the status of those contracts to the Walk-In Hunting Access Program databases. We noted that, over the two years, the status of 27 contracts hadn't been updated. Department staff weren't sure why this occurred, but suggested it could be the result of an administrative oversight resulting from contracts being cancelled late in the contract period.
- **The way the Department assigns contract numbers in its database makes it difficult to track what's happening with individual contracts.** Currently, contracts are assigned a new contract number each year that doesn't directly correspond with the previous year's number—even for those that are multi-year contracts. This requires an increased amount of data entry, and makes it very difficult to track individual contract information over time.

***Conclusion:***

While the Department's policies and procedures generally are adequate to ensure that its staff don't use their positions for personal gain—we found no instances of outside employment that represented a clear conflict of interest—the lack of centralized records and upper management review limits the Department's ability to ensure that its policies and procedures are being followed consistently. Moreover, a lack of upper management review could result in approval of outside employment or business interests that don't reflect the philosophy of the Department. Finally, it's important for the Department to have good data about the leases it maintains for the Walk-In Hunting Access Program. Although we didn't find major problems with the data, it is clear that some improvements are needed to make it more complete and easy to track.



***Recommendations:***

1. To further strengthen its existing policies and procedures related to conflicts of interest, the Department should do the following:
  - a. Collect staff reports of outside employment or business interests on a periodic basis, and file all reports in a single location for ease of management review.
  - b. Ensure that upper-level management reviews the outside employment that has been approved for all employees, to check for compliance with the Department's conflict-of-interest policies.
  - c. Clearly specify the consequences for violating the Department's conflict-of-interest policies and procedures.
  - d. Update the current policies and procedures as needed, and have the current Secretary sign-off on them.
2. To help ensure that Walk-In Hunting Access Program contract data are complete and accurate, and that individual lease information can be easily tracked, the Department should do the following:
  - a. Establish a process for periodically updating its contract database information, including the current contract status.
  - b. Create a unique and static number for each contract so that it can be tracked over the duration of the contract period.

## APPENDIX A

### Scope Statement

This appendix contains the scope statement approved by the Legislative Post Audit Committee for this audit on October 5, 2007. The audit was requested by Representative Larry Powell.

#### **Department of Wildlife and Parks: Reviewing Issues Related to the Walk-In Hunting Access Program**

In order to expand the amount of land that's available for hunting and fishing in Kansas, the Department of Wildlife and Parks leases private land through its Walk-In Hunting Access Program (WIHA). Under this Program, the Department's field staff look for potential land in their areas, assess the value of the habitat for hunting and fishing, and negotiate with the landowners for public access for a portion of the year— typically between September and April. In fiscal year 2008, the Department will lease more than 1 million acres through the Program.

Recently, legislators have heard concerns that Department Program staff may be using their position with the Department to identify land that is useful for their own private businesses and are negotiating leases of that land on their own behalf rather than on behalf of the Hunting Access Program.

A limited-scope performance audit of this topic would address the following question:

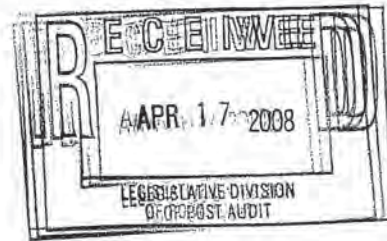
- 1. Does the Department of Wildlife and Parks have adequate policies and procedures in place to ensure that staff aren't able to use their positions with the Walk-In Hunting Access Program for personal gain?** To answer this question, we would review the Department's overall policies and procedures for having employees disclose private business interests they have that might pose a conflict of interest in carrying out their job duties. We would determine whether those procedures are adequate, and for the employees in the Walk-In Hunting Access Program we would check to determine whether those procedures were being followed. We would conduct other work in this area as needed.

## **APPENDIX B**

### **Agency Response**

On April 10, 2008, we provided copies of the draft audit report to the Department of Wildlife and Parks. Its response is included as this Appendix.

April 16, 2008




Ms. Barbara J. Hinton  
Legislative Post Auditor  
Legislative Post Audit Division  
800 Southwest Jackson Street  
Suite 1200  
Topeka, KS 66612

Dear Ms. Hinton;

The Kansas Department of Wildlife and Parks (KDWP) appreciates the opportunity to comment on the draft copy of the performance audit, "Department of Wildlife and Parks: Reviewing Issues Related to the Walk-In Hunting Access Program". We have enclosed comments pertaining to the audit that describe the actions the Department will initiate to conform with audit recommendations. If you have any questions please contact us at your convenience. Thank you.

Sincerely,



J. Michael Hayden, Secretary  
Kansas Department of Wildlife and Parks

Attachment (1)

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**KDWP Response to Legislative Post Audit Recommendations on WIHA program**

**Recommendation #1. To further strengthen its existing policies and procedures related to conflicts of interest, the Department should do the following:**

- a. Collect staff reports of outside employment or business interests on a periodic basis, and file all reports in a single location for ease of management review.**
- b. Ensure that upper-level management reviews the outside employment that has been approved for all employees, to check for compliance with the Department's conflict-of-interest policies.**
- c. Clearly specify the consequences for violating the Department's conflict-of-interest policies and procedures.**
- d. Update the current policies and procedures as needed, and have the current Secretary sign-off on them.**

Response to Recommendations 1a-d:

The Department concurs with the recommendations presented in 1 a-d and within the next 6 months will undertake and complete a review and re-write of Department policies and procedures pertaining to conflicts-of-interest, outside employment, or business interests by Department employees.

A central reporting and filing system that accommodates management access to employee outside employment or business interests will be accomplished.

The process by which upper-level management reviews and/or approves outside employment requests will be determined as part of the policy and procedural review.

Statement of consequences for violating the Departments conflict of interest and outside employment policy and procedures will be reviewed and determined in the context of consequences for violating any established Department policies and procedures.

Final policy and procedural changes will be signed by current Secretary for Kansas Department of Wildlife and Parks.

**Recommendation #2. To help ensure that Walk-In Hunting Access Program contract data are complete and accurate, and that individual lease information can be easily tracked, the Department should do the following:**

- a. **Establish a process for periodically updating is contract database information, including the current contract status.**

Response to Recommendation 2a:

The Department currently has a process for updating the status of contracts in the WIHA contract database, the process is as follows:

The status of each multi-year ongoing contract starts the contract year as “none selected”, The District Wildlife Biologist reviews each contract in their respective counties (district) and if the contract is an ongoing multi-year contract and the District Biologist has not received notification from the Cooperator that they wish to cancel, the District Biologist assumes the Cooperator wishes to remain in the program and the appropriate Regional Office is notified that the Cooperator wishes to continue the multi-year contract. The Regional Office then marks the status in the database as “Received in Regional Office” and assigns a contract number for the current contract year. The contract is then forwarded on to the Pratt Operations Office. When received in the Pratt Operations office the contract status is marked as “Received In Pratt”. If the District Biologist receives word from the Cooperator that he wishes to cancel the contract after it has left his station then he prepares a change form for the contract indicating that the Cooperator wishes to cancel the contract. The change form is sent to Pratt Operations office and copies are returned to Regional Office and the original is placed in the contract file with the Cooperators contract. The database for that contract status is updated (by Pratt Operations staff assigned to the WIHA Program ) as cancelled. The only place that contract status can be changed once the contract is received in Pratt is by Pratt Operations staff assigned to the WIHA program with a contract change form attached to the original contract.

For new or renewal contracts the process is as follows:

The District Biologist prepares the written contract. Sends the contract to the Cooperator and the status in the database is marked as “Sent for Signature”. When District Biologist receives a signed contract from the Cooperator the District Biologist marks the database as “Signed Contract” for that specific contract. The District Biologist sends the signed contract to the appropriate Regional Office. For new or renewal contracts the process is the same as for ongoing multi-year contracts once it leaves the District Biologists station.

The contract database is closed to data entry by District Biologists and Regional Offices after GIS mapping for the atlas production begins (approximately mid-July). Any change to contract status is only done by Pratt Operations Staff assigned to the WIHA program. Once preliminary payment report is generated from the WIHA contract database the

database is no longer used to track changes for that contract year. The payment report is then updated as to cancellation of contracts or changes to payments.

Action: The Department will institute a new procedure that will continue to update contract status throughout the contract year so that all cancellations are noted in the database.

**b. Create a unique and static number for each contract so that it can be tracked over the duration of the contract period.**

Response to Recommendation 2b:

The Department currently changes the contract number on each WIHA contract each contract year. The contract number is a numerical designation that identifies the KDWP Administrative Region from which the contract originated and identifies the calendar year the payment will be made in. This was done originally to ensure that each of the contracts were reviewed each year to ensure that they all were accounted for and we did not forget any by accidental oversight. This system has worked very well to ensure that each contract in force was reviewed by the District Wildlife Biologist, Regional Office, and Pratt Operations office for any changes to lands enrolled, changes of address by the cooperator, etc.

Action: KDWP will institute procedural changes that will either maintain each of the contract numbers assigned to a particular contract for the maximum 3 year period of the contract and that number will match the contract number on the hard copy of the contract on file in the Pratt Operations Office. Or we will develop a unique identifier for the contract that will be automatically generated by the database.