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South Dakota Wildlife Federation

www.sdwf.org

# OUT OF DOORS

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# Corn Crowds Out Wildlife in Prairie Pothole Region

### Corn Crowds Out Wildlife in Prairie Pothole Region

Study shows how government incentives are driving corn ethanol expansion, impacting wildlife

Ann Arbor, MI - A University of Michigan study released today shows how government incentives for corn ethanol are driving farmers to shift land into corn production, resulting in significant decreases in grassland bird populations throughout the fragile Prairie Pothole Region. The study, conducted for the National Wildlife Federation by a team of graduate students from the University of Michigan, School of Natural Resources and the Environment, analyzes the current and potential impacts of increased corn ethanol production on wildlife and habitat in the Prairie Pothole states of Iowa, Minnesota, North Dakota and South Dakota.



from 10.57 billion gallons in 2009 to 15 billion in 2015. This means corn ethanol production will continue to increase, with no end in sight for the destruction of natural habitat in the Prairie Pothole Region.

"Oftentimes these incentives are redundant, driving market demand for corn ethanol and putting undue pressure on the land," said Julie Sibbing, director of global warming, agriculture and wildlife at the National Wildlife Federation.

"The system makes it hard for farmers to resist converting native grassland into cropland or to keep their land in the Conservation Reserve Program."

By identifying areas with the most dramatic land-use changes in Prairie Pothole states, researchers were able to see where there are "hotspots" of increased corn plantings and habitat loss. In North and South Dakota alone, more than 475,000 acres of previously untilled land were broken between 2002 and 2007. When researchers analyzed the relationship between corn plantings and grassland bird populations, the results showed that counties with high increases in corn plantings had significant declines of nearly 30 percent in populations of sensitive grassland birds between 2005 and 2008.

"Grassland birds were already in steep decline, making this additional habitat loss quite alarming," says Gary Botzek, executive director at the Minnesota Conservation Federation. "Often called America's duck factory, the Prairie Pothole Region is vital to keeping our outdoor traditions thriving. We need to

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## Executive Director's Update *by Chris Hesla*

January 12, 2010, marked the opening day of South Dakota's 85th Legislative Session. There will be many issues we (SDWF and its members) will face. There will be people or groups who will want to try and whittle away at what freedom and enjoyment we have left here in South Dakota. The enjoyment and the opportunities that we get off of our public lands, the public access to the public's fish and wildlife and they will try to further restrict life-long South Dakota traditions. As always SDWF will have two full time Lobbyists walking and watching the halls of the Capital Building protecting your hunting and fishing heritage here in South Dakota.

**I do want to thank all of you who take time out of your busy schedule to email, write or call your Senators and Representatives**



## President's Column *by Rieck Eske*

Well it's that time of year again. The legislature has a few bills that we need to work on and get defeated.

HB 1066: provide for the issuance of landowner-sponsored big game hunting licenses.

This Bill allows Transfer of Big Game tags, but adds a donut for the public hunter. It

Requires the landowner to allow some public hunting for antlerless deer on their property.

HB 1067: restrict the entry of conservation officers onto certain private land without

Permission. This Bill will stop the CO from going onto

## It's time to protect South Dakota's Heritage *U.S. Sen. Tim Johnson D-S.D.*

Western South Dakota is blessed with some of the nation's unique and most treasured landscapes. In 2002, U.S. Forest Service under the Bush Administration recognized the value of areas of undisturbed prairie in the Buffalo Gap National Grassland and recommended them for inclusion in the National Wilderness Preservation System. I believe it is time to move forward with what would be the country's first national grassland wilderness so that future generations can experience this area as it has been for hundreds of years.

Finding the right mix of public land management requires balance and careful consideration. I have already begun reaching out to those who are most closely tied to this area, and I look forward to working with the many stakeholders to shape sound legislation. I expect the plan to include 40,000 to 50,000 acres in the Indian Creek, Red Shirt and Chalk Hills areas of the Buffalo Gap National Grassland based upon the Forest

If you are not subscribed yet, send an email to me at [sdwf@mncmm.com](mailto:sdwf@mncmm.com) and asked to be subscribed to our Legislative daily update.

As of Day 9 in the Legislature SDWF is monitoring 10 Bills that affect our interests. Not all Bills are detrimental but we constantly need to monitor them so they are not amended or changed into a negative worded Bill. Two of the more controversial Bills are mentioned in President Eske's column so I will not re-peat on them. I do want to thank all of you who take time out of your busy schedule to email, write or call your Senators and Representatives during our Legislative Session and tell them how you feel about the Bills. We can and we do make a difference!

THANK YOU!

Private property without permission.

Please email or call your Representatives and tell them to vote no on these Bills. They are still in Committee as of this writing, so email or call the Natural Resource and Ag Committee members and tell them to not support these bills.

Everyone please come out for Camo Coalition Day at the Legislature on February 1, 2010 and talk with the Representatives and Senator personally. Remember we can make a difference,

Carry on the Tradition!

Service recommendation and the inclusion of some additional exceptional lands. I want to clarify from the outset that I intend to follow the Forest Service's recommendation to keep the six-mile long Indian Creek Road open by excluding it from the wilderness boundaries in order to preserve an important source of access to the area. I have heard from a number of people regarding wilderness over the years. Sportsmen have contacted me describing the unparalleled experience of hunting in areas far from the reaches of modern civilization.

They talk of experiencing hunting as previous generations did and wanting to pass along that experience to their children and grandchildren. I have also heard from conservationists about the value of this area for native prairie plants and wildlife. Others have pointed to the potential economic benefits of wilderness, as these outstanding lands draw in travelers who in turn contribute to the regional economy.

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**Please email or call your Representatives and tell them to vote no on these Bills.**



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### OUT OF DOORS

**OUT OF DOORS EDITOR**  
**Chris Hesla**  
Box 7075 • Pierre, SD 57501  
Phone 605-224-7524

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#### 2009-2010 SDWF OFFICERS & DIRECTORS

**EXECUTIVE DIRECTOR**  
Chris Hesla Phone 605-224-7524  
Box 7075, Pierre, SD 57501  
E-Mail: [sdwf@mncmm.com](mailto:sdwf@mncmm.com)  
**PRESIDENT**  
Rieck Eske Phone 229-1743  
P.O. Box 46, Warner, SD 57479  
E-Mail: [rieckeske@gmail.com](mailto:rieckeske@gmail.com)  
**VICE PRESIDENTS**  
Region 1 - Bill Antonides Phone 229-4712  
514 N. Arch St., Aberdeen, SD 57401-2951  
E-Mail: [billantonides@abe.midco.net](mailto:billantonides@abe.midco.net)  
Region 2 - Mrs. Jan Nicolay  
E-Mail: [jann@tictel.com](mailto:jann@tictel.com)  
Region 3 - Dennis Skoog Phone 432-4385  
15377 479th Ave., Milbank, SD 57252  
E-Mail: [dmskoog@mncs.com](mailto:dmskoog@mncs.com)

**DIRECTORS**  
DISTRICT 1 - Paul Vinatieri Phone 348-3846  
516 South St., Rapid City, SD 57701  
E-Mail: [pvinatieri@hotmail.com](mailto:pvinatieri@hotmail.com)  
DISTRICT 2 - Norman Buzacek Phone 843-2100  
25602 236th St., Okaton, SD 57562  
E-Mail: [Norman.Buzacek@midco.net](mailto:Norman.Buzacek@midco.net)  
DISTRICT 3 - Marc McShellan Phone 845-3034  
PO Box 189, Mohrville, SD 57601  
E-Mail: [mcshellan@westrv.com](mailto:mcshellan@westrv.com)  
DISTRICT 4 - Tom Patzner Phone 225-6600  
6324 Country Lane, Aberdeen, SD 57401  
E-Mail: [charles.dieter@sdstate.edu](mailto:charles.dieter@sdstate.edu)  
DISTRICT 5 - Michael Gudmundson Phone 882-4220  
2517 4th St. NE, Watertown, SD 57201  
E-Mail: [migudman2@siu.midco.net](mailto:migudman2@siu.midco.net)  
DISTRICT 6 - Charles Dieter Phone 693-3123  
47135 203rd St., Brookings, SD 57006  
E-Mail: [charles.dieter@sdstate.edu](mailto:charles.dieter@sdstate.edu)  
DISTRICT 7 - Ross Jensen Phone 325-1325  
605 Wisconsin Ave. NW, Huron, SD 57350  
E-Mail: [rgjensen@hur.midco.net](mailto:rgjensen@hur.midco.net)  
DISTRICT 8 - Jerry Lulewicz Phone 996-4750  
20 Arrowhead Pass, Mitchell, SD 57301  
E-Mail: [jululew@midco.net](mailto:jululew@midco.net)  
DISTRICT 9 - Mark Widman Phone 361-9510  
7608 W. Lancaster St., Sioux Falls, SD 57016  
E-Mail: [mwidman2@siu.midco.net](mailto:mwidman2@siu.midco.net)  
DISTRICT 10 - Ed Cook Phone 885-6331  
105 Elm St., Houghton, SD 57449  
**DIRECTORS AT LARGE (Appointed)**  
• Lori Goldsade  
12892 Fairfield Drive, Aberdeen, SD 57401  
E-Mail: [arrie@tictel.com](mailto:arrie@tictel.com)  
• Rich Widman Phone 692-7157  
929 8th Ave. Brookings, SD 57006  
E-Mail: [arrie@tictel.com](mailto:arrie@tictel.com)  
• Allan Johnson Phone 994-2283  
Box 97, Hecla, SD 57446  
E-Mail: [gramma@tvc.net](mailto:gramma@tvc.net)

• Lanny Thomas Phone 352-0595  
1060 Colorado Ave. SW, Huron, SD 57350  
E-Mail: [lthomas@huronnd.com](mailto:lthomas@huronnd.com)  
• Terry Mayes Phone 341-1568  
3203 Meadowbrook Dr., Rapid City, SD 57702  
E-Mail: [tmayes@rap.midco.net](mailto:tmayes@rap.midco.net)  
• Maurice Olson Phone 342-9297  
4610 Carriage Hills Dr., Rapid City, SD 57702  
E-Mail: [hmlol@rap.midco.net](mailto:hmlol@rap.midco.net)  
• Harvey Malton Phone 343-2349  
6555 Westwind Dr., Rapid City, SD 57701  
E-Mail: [hmalton@rap.midco.net](mailto:hmalton@rap.midco.net)  
• Kenneth A. Schroeder, Jr. Phone 348-9364  
23697 Mulligan Mile, Rapid City, SD 57702  
E-Mail: [kenschroeder@aol.com](mailto:kenschroeder@aol.com)  
**IMMEDIATE PAST PRESIDENT - Jeff Albrecht** Phone 693-3672  
131 58th Ave. Brookings, SD 57006  
E-Mail: [jalbrecht@tictel.com](mailto:jalbrecht@tictel.com)  
**DELEGATE TO NWF - Rieck Eske**  
**ALT. DELEGATE TO NWF - Lanny Thomas**  
**Secretary/Treasurer - Robert Jacobsen**  
**NATIONAL WILDLIFE FEDERATION**  
**REGION NINE DIRECTOR - Gene Oglesby** Phone 402-476-3434  
650 J Street #400, Lincoln, NE 68508  
E-Mail: [kgogles@att.com](mailto:kgogles@att.com)  
**NATIONAL WILDLIFE FEDERATION**  
**REGIONAL ORGANIZER - Jennifer Pelaj** Phone 402-476-3434  
240 N Higgins, Missoula, MT 59802  
E-Mail: [jpelaj@nwf.org](mailto:jpelaj@nwf.org)  
**SOUTH DAKOTA WILDLIFE FEDERATION**  
**YOUTH CAMP DIRECTOR (Non-Board Member)**  
Mike McKernan Phone 669-2829  
612 S. Garfield, Murdo, SD 57559  
E-Mail: [hdmac@weent.com](mailto:hdmac@weent.com)  
**SDWF LOBBYIST**  
Dave Neuman  
PO Box 596, Pierre, SD 57501  
E-Mail: [davineuman@dakotacclaims.com](mailto:davineuman@dakotacclaims.com)



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change course if we want to keep this ecosystem working for the entire nation's benefit."

Researchers conclude that "if we proceed along the current trajectory without changing federal policies, the prairie pothole will be further degraded and fragmented, and the many services it provides will be impossible to restore." In order to preserve the ecological integrity of the Prairie Pothole Region, the study puts forth several recommendations:

- \* Reconsider government mandates and financial support for corn ethanol. Allow cellulosic ethanol to replace corn ethanol as technology improves. Phase out federal and state incentives for corn ethanol production.

- \* Protect prairies and wetlands from conversion. Disqualify landowners who plow native prairie from receiving federal financial support on that land. Help willing landowners preserve native prairie and wetlands in perpetuity.

- \* Strengthen the Conservation Reserve Program (CRP). Increase the CRP cap to prevent dramatic CRP losses. Improve the flexibility and responsiveness of CRP rental rates.

- \* Pursue Additional Research. Collect and make available data measuring conversion of grassland to cropland. Initiate a U.S. Government Accountability Office study of the full cost of government incentives for corn ethanol.

"State and federal incentives for corn ethanol are resulting in habitat loss and grassland bird declines in the Prairie Pothole Region," said Becca Brooke, study co-author and MS/MBA candidate at the University of Michigan, School of Natural Resources and Environment and Ross School of Business. "If we want to achieve widespread protection of wildlife and native prairie, policy changes are needed."

Corn Ethanol and Wildlife: How increases in corn plantings are affecting habitat and wildlife in the Prairie Pothole Region was authored by:

- \* Aviva Glaser, MS/MPH candidate, University of Michigan, School of Natural Resources and Environment and School of Public Health

- \* Greg Fogel, MS/MPP candidate, University of Michigan, School of Natural Resources and Environment and Ford School of Public Policy

- \* Elizabeth Griffin, MS/MBA candidate, University of Michigan, School of Natural Resources and Environment and Ross School of Business

- \* Becca Brooke, MS/MBA candidate, University of Michigan, School of Natural Resources and Environment and Ross School of Business

To read the complete study, visit [www.nwf.org/farmland](http://www.nwf.org/farmland)

## "House Bill 1067 and the Open Fields Doctrine"

by Bill Antonides

Of all the bills introduced in the 2010 legislative session, HB 1067 is perhaps the most onerous to sportsmen and other conservationists. The bill, in one form or another, seems to reappear almost on an annual basis in the legislature. The effect of the bill would be to prevent conservation officers from adequately doing their job on private lands. The bill, should it become law, would essentially eviscerate the "Open Fields" Doctrine as it applies to conservation officers. Although this topic is well known among many South Dakota Wildlife Federation members, it behooves us to revisit the issue. The best defense is an understanding of why we have the Open Fields Doctrine, what it allows and doesn't allow, and the consequences of losing it.

Conservation officers have a wide variety of duties, and the work is often hard and stressful. One of the most important duties of conservation officers is to ensure the laws protecting our wildlife and other natural resources are enforced fairly and equitably. In America, wildlife belongs to the public. Since the vast majority of the 77,000 square miles of land in South Dakota is privately owned, the 60 or so conservation officers simply must enter private land to check hunters, fishermen, trappers, and other users of our natural resources. They usually do so unannounced. By definition, true sportsmen obey the laws, but common sense tells us there are likely more sportsmen and fewer poachers when there is an expectation that they might be checked by a conservation officer.

Over the years a few of the less than honest sportsmen have been arrested by conservation officers. Some were friends, relatives or clients of legislators. Coffee shop gossip fueled horror stories of conservation officers running amuck, trampling over private land and landowners' rights.

A few highly vocal landowners and legislators began to question the authority of conservation officers to enter private land, considering it a violation of their 4th Amendment protection against unreasonable search and seizure. Legislation to prevent conservation officers from freely checking sportsmen on private land has been repeatedly introduced and defeated. Proponents of the legislation have reintroduced the latest version of the bill this year, apparently thinking opponents will just give up.

All law enforcement officers, including conservation officers, operate under the protection of the Open Fields Doctrine. The doctrine is similar to the common law "Privilege to Trespass" concept. Both principles recognize that some situations may require certain persons to enter private property without the owner's consent. Society is willing to tolerate trespass upon private property if the trespass is performed under common sense circumstances. Law enforcement officers, fire fighters, emergency responders, municipal workers, and others whose duties include safeguarding the health and welfare of the public are allowed to enter certain private property when required to do so by their duties. When power lines are downed by ice storms, or an automobile crashes off the road into a field, or a fire rages across a prairie, or a meth lab is operating in an abandoned shack, certain personnel can and must enter private property, whether permission is given or not.

The Open Fields Doctrine, simply put, allows "government agents" to enter open fields to perform their duties. The Open Fields Doctrine was first defined by the US Supreme Court in 1924 as the result of the *Hester v. United States* case. In its decision, the U.S. Supreme Court stated, "...an individual may not legitimately demand privacy for activities conducted out of doors in fields, except in the area immediately surrounding the home." The doctrine has been reaffirmed many times since then by state and federal courts, including the SD Supreme Court. In 1984, the US Supreme Court clarified the doctrine by stating, "...open fields, while private property, are not 'effects' within the meaning of the 4th Amendment, and society does not recognize a reasonable expectation of privacy in an open field." The court also declared, "...putting up 'no trespassing' signs does not create a reasonable expectation of privacy. Government agents can cross fences and trespass without a warrant or reasonable suspicion because fencing and 'no trespassing' signs cannot change the non-private character of an open field." The South Dakota Attorney General affirmed the courts' opinions in 2004.



Continued from page 6

# The 2010 Legislative Session

article by *Bill Antronides*

Please remember, you can get daily updates by simply e-mailing Chris Hesla at [sdwf@mncomm.com](mailto:sdwf@mncomm.com) and asking to be added to the mailing list.

A number of bills which could be extremely damaging to sportsman and other conservationists have been introduced in the 2010 legislative session, with the probability of more to come. It is impossible to keep track of current legislative affairs by reading a monthly periodical. Bills can be introduced, debated, amended, and passed or killed before the story even hits the newsstand. In fact, a bill can change from good to bad, or vice versa, in a matter of minutes. With these caveats in mind, I shall attempt to explain some of the legislation as it stands at this writing during the last week in January.

Please remember, you can get daily updates by simply e-mailing Chris Hesla at [sdwf@mncomm.com](mailto:sdwf@mncomm.com) and asking to be added to the mailing list. The SDWF updates have links to each bill, or you can go to <http://legis.state.sd.us/sessions/2010/BillList.aspx> to look them up on your own.

This year's bills include:

**HB 1014**-Defines trophy and non-trophy antelope, mule deer, white-tailed deer, and elk, and establishes a civil penalty for the unlawful taking of trophy animals: This bill is intended to increase penalties for poachers who take trophy animals. HB 1014 has a lot of merit, unless HB 1067 (below) passes. In my humble opinion, if conservation officers are denied reasonable access to private lands by HB 1067, there would be a high potential for selective enforcement of this bill. If we don't have equal justice for all, we don't have any justice at all.

**HB 1015**-Repeals the imposition of the five dollar surcharge on mentored youth big game hunting licenses: This is a good bill, and as far as I'm concerned, it doesn't go far enough. Any tag sold to a youth under 18 years of age should not include the surcharge. We need to get the kids out in the field, and it won't happen if it is too expensive.

**HB 1055**-Revises certain provisions regarding the appointment of members to the Game, Fish and Parks Commission: This bill removes references to Democrats and Republicans, which is fine, as there is already another law which keeps the commission bi-partisan and also allows independents to serve on the commission. However, it would also allow commission appointments to be unlimited in length. This is not a desirable change, and amendments to the bill are already being discussed.

**HB 1066**-Provides for the issuance of landowner-sponsored big game hunting licenses: This bill gives landowners up to six big game tags to sell to the highest bidder, a HUGE violation of the basic tenements of hunting and wildlife ownership in America. This bill is among the top three worst for sportsmen and other conservationists. It sets up a feudal system where the deer are reserved for the king and his men. If you remember your history, this is part of why our ancestors came to America, to get away from this arrangement. Like the European system, hunting will be reserved for the rich and powerful. In the long run, the bill is anti-hunting, as more and more average hunters are forced to quit the sport. In fairness, the bill does have a carrot on a stick; the landowner must al-



low some public hunting for antlerless deer on their property. I have to wonder if the Pilgrims would have climbed on a rickety boat bound for the new world if they were offered a doe tag.

**HB 1067**-Restricts the entry of conservation officers onto private land without permission: Perhaps number one on the list of bad bills, this bill will stop a conservation officer from going onto any private property without permission. The effect of the law would be to allow all but the most egregious cases of poaching to go undetected and unpunished on private land. The conservation officer who tries to do his or her job can be prosecuted or sued. In one of many ironic twists in HB 1067, conservation officers are required to receive permission from the landowner to access private land, but are in violation of the bill if they go to the landowner's residence to get permission. The bill would allow conservation officers to access private land if a complaint was made about illegal activities, but realistically, the officer would have to turn in his sources to prove he had a complaint. No law enforcement officer would turn over an informant, so the officer either has to turn a blind eye to possible violations, or face criminal and/or civil prosecution. If this still sounds alright, please look at the article on 'Open Fields' elsewhere in this publication—this subject cannot be covered in a few sentences.

**HB 1098**-Requires state agencies to conduct a public hearing before acquiring certain real property: There are some questions as to where this came from, as GF&P is not mentioned specifically in the bill. However, since GF&P is generally the agency drawing fire for buying land, it is possible this is another backdoor attempt to make sure the public does not have adequate access to prime hunting areas unless they pay a fee to commercial operators. It does fit in very well with proponents of HB 1066, the bill which allows landowners to sell big game tags. As it is, the GF&P does take public comments at the commission meetings, advertises potential purchases, accepts letters and phone calls, notifies adjacent landowners, and jumps through so many hoops that a great many purchases are not even considered. The GF&P does not need any additional burdens. If there is another state agency that does need some control, address that agency.

There are three bills relating to animal damage control:

**HB 1113**-Specifies certain animal species for animal damage control: This bill mandates that Wildlife Damage Management dollars be spent on specific animal species, rather than the broad terminology currently used. This essentially means other animal damage control activities will require even more money to come directly out of sportsmen's dollars meant for other projects.

**HB 1114**-Broadens the policy review committee for animal damage control: This is an attempt to load the committee with pro-predator/prairie dog/mountain lion/scary animal control proponents. I can see the Humane Society, The Fund for Animals, PETA and other animal welfare agencies and organizations demanding a seat at the table if the legislature gets too carried away. Meanwhile, the sportsmen who pay 2/3 of the bills have no

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# Contacting Your Legislators



Your legislators DO care what you have to say, and there are many ways to let them know your opinions. If you are lucky enough to personally know your local legislators, it is hard to beat face-to-face contacts to discuss the issues. If not, many legislators go to public "Cracker Barrels" in their home districts, giving you a chance to make your opinions known.

To contact a small number of legislators during business hours, you can simply make phone calls to the following numbers and leave a message. For a Senator, call 605-773-3821. For a Representative, call 605-773-3851.

You can find individual phone numbers, addresses and even photographs of specific legislators by firing up your computer and going to: <http://legis.state.sd.us/sessions/2010/MemberMenu.aspx>

Finally, the legislative e-mail system is very easy to use, and is a particularly effective method to contact large numbers of legislators in a relatively short period of time.

Hints to use the SD legislative e-mail system:

To easily send the same e-mail to multiple legislators, use this internet address: <http://legis.state.sd.us/email/LegislatorEmail.aspx>

- When the page opens up, fill out your e-mail address in the "from" line.
  - Select a senator or representative in the drop down box, for example Sen. Smith.
  - Put the HB or SB number and a brief description in the subject line. An example would be "HB 1067: Restrict entry of conservation officers."
  - Write your message. (You can first write it in Word or another word processing program to make sure of spelling and grammar, and then cut and paste it into the message block.)
  - Sign your name, at the very least. You can also put your address and phone.
  - Hit send.
  - You will get a message on the page saying your mail has been sent to Senator Smith.
  - Your message and e-mail address and everything else are still there.
  - Pick another name from the drop down list.
  - Hit send.
  - Pick another name.
  - Hit send.
  - Repeat until you have mailed everyone you want.
- After the first e-mail, each additional e-mail takes only seconds.

Legislators listen when they hear from a large number of people, or even a small number of people with a good argument for or against a bill. Use your own words where you can. They often ignore petitions, mass mailings and unsigned letters. For best results, please be concise, sincere and respectful.

They often ignore petitions, mass mailings and unsigned letters. For best results, please be concise, sincere and respectful.

## 2010 Legislative Session ... Continued from page 4

non-governmental representative. I believe history also taught us a little about taxation without representation, but perhaps we have forgotten that lesson, too.

HB 1115-Provides for annual audits of the state predatory animal control fund: They already do this. Do we really need another law?

Just filed:

HB 1121-Requires a permit and fee for public access on certain school and public lands and to establish a penalty: This bill would require users who do not have lessee permission to purchase an access stamp to hunt state-owned School and Public Lands. HB 1121 is an intention barricade to allowing the general public to use public land. Only the landowner, his relatives, and friends get free access. You pay.

HB 1127-Authorizes landowners and lessees to possess certain game animal and game bird trophies: This bill sets into law what the GF&P often does by policy, when it is clear there is no foul play involved. The bill opens it up to allow any landowner or lessee to claim a trophy animal, if they are simply willing to state the animal was not taken illegally. This is true even if all evidence of illegal taking has long disappeared. The bill means, for example, that if a bull elk is legally shot but

not found after a cursory search, the landowner can shoot another and keep both. The temptation to shoot now and claim the antlers later is too high; if it wasn't, we wouldn't need HB 1014 to increase penalties on persons who kill trophy animals. HB 1127 also means if a legally taken trophy animal travels to another person's land before it dies, the landowner can not only deny access to the hunter (which is their right), but can then claim the animal for themselves. Sorry, but this is just not right.

HCR 1002-A resolution requesting federal natural resource agencies to refrain from designating wilderness or roadless areas in South Dakota without legislative approval: This resolution already passed the House and Senate without any input from sportsmen, conservations, environmentalists, landowners and other parties who might like to preserve a tiny bit of our legacy. HCR 1002 does not carry the force of law, but it says something about the men and women who passed this and who are also responsible for the laws which protect our natural resources.

It is crystal clear we have our work cut out for us again. Sportsmen (including sportswomen) have a responsibility to become knowledgeable and vocal advocates for the protection of our natural resources. One of the best ways

HB 1127 also means if a legally taken trophy animal travels to another person's land before it dies, the landowner can not only deny access to the hunter (which is their right), but can then claim the animal for themselves. Sorry, but this is just not right.



# South Dakota Wildlife Federation Donors

At the recent Winter Board Meeting the SDWF Board created the SDWF Wildlife Legacy Council. The Council was created to allow recognition of the people who support SDWF above and beyond their membership and raffle donations.

Thank you to the following donors for their contributions to the SDWF. Please consider becoming a member of the Wildlife Legacy Council. SDWF is a 501(c3) non-profit, all donations are tax deductible.

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Conservation laws and enforcement of those laws have provided for the recovery and protection of innumerable species of wildlife.

### Compliance and

license checks ensure sportsmen follow established seasons, bag limits, license requirements, and other restrictions necessary to conserve and sustain wildlife populations. These checks serve a significant role in wildlife management and the continued protection of our natural resources. Compliance checks also play an important role in protecting landowners against trespass and vandalism. Society as a whole derives great benefit from the work conservation officers do. Any law which requires the officer to obtain permission from the landowner, or have probable cause of a crime being committed, or which otherwise interferes with the officer's ability to lawfully enter open fields will significantly weaken the ability of conservation officers to protect the natural resources which belong to us all.

Conservation officers routinely patrol multiple counties in all types of terrain, in all kinds of weather, at all times of day and night. Oftentimes cases are made while traveling from one side of the state to another. Some sections of land have multiple parcels and owners. In many areas, the topography makes it exceedingly difficult to even determine which county a person is in, let alone who the owner is of a particular parcel of land. Cell phone coverage or other means of contacting the landowner are often unavailable. Most importantly, no man, no woman and no machine exists which can tell the officer with any degree of certainty who owns the fields the officer needs to enter. It is simply an impossible task for the officer to contact landowners and still accomplish his or her duties.

No person truly owns land. They hold it in trust for future generations, and the fact their name is on the title does not give them absolute control over everything that flies, walks, swims or crawls across the landscape. Being a landowner in this country grants many special privileges. Along with those privileges come immense responsibilities. A landowner who truly cares for his property should not complain too loudly about the occasional intrusion into open fields by "government agents," for it assures him others are held to the same standards he demands of himself. Likewise, legitimate sportsmen should welcome checks by conservation officers, as they are necessary to ensure the future of their sport.

Bill Antonides is a retired SD Conservation Officer, a vice president for the SDWF, and a landowner. He can be reached by e-mail at [billantonides@abemidco.net](mailto:billantonides@abemidco.net).

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These tax-deductible contributions will speak volumes for the future of the SDWF's Wildlife Legacy Council! Please consider your donation today. Names in ITALICS indicate that the Legacy Member has made their 2008 contribution to the SDWF Wildlife Legacy Council. Names in ARIAL indicate that the Legacy Member has made their 2009 contribution to the SDWF Wildlife Legacy Council.

*It's Time to Protect SD's Heritage...continued from page 2*

In 2002, the Rapid City Journal editorialized in favor of wilderness, noting that within a couple hours drive of Rapid City would "offer a different experience for hikers and campers, who may be more used to mountains and trees than grass prairies and unrestricted vistas."

I've sometimes heard the criticism that wilderness keeps the public from using public land. I disagree. Wilderness offers unique opportunities for the public to enjoy, including hunting, fishing, hiking, camping, horseback riding, wildlife viewing, recreational rock collecting and many others. By limiting road building, structures, and recreational motorized and mechanized use, wilderness protects the land's natural character and open space. Furthermore, the Forest Service retains the ability to combat fire, insects, invasive species and disease.

It's also important to understand that wilderness protects and preserves the rights of ranchers to use these lands for long-held livestock grazing purposes. The Wilderness Act and Congressional Grazing Guidelines clearly state that established grazing shall continue, with the reasonably necessary use of motorized vehicles to maintain it. This includes maintenance of stock ponds, fences, and other existing support facilities, as well as replacement of these facilities as necessary. To me, ranching is very much a compatible use to a healthy grassland ecosystem.

I believe that creating the first national grassland wilderness is an opportunity to safeguard an important part of our heritage and create a lasting legacy that South Dakotans can be proud of for generations to come.

wilderness protects and preserves the rights of ranchers

**2010 Legislative Session ... Continued from page 5**

to accomplish our goals is to join clubs affiliated with the South Dakota Wildlife Federation, or join the Federation directly, and then take the time to let your legislators know what you think. The majority of legislators are hard-working individuals who truly want to preserve our quality of life. We simply have to remind them now and then that we are all deserving of equal treatment, and our natural resources are to be shared, not sold to the highest bidder.

Bill Antonides is a retired SD Conservation Officer, a vice president in the SDWF, and a Certified Wildlife Biologist. The opinions expressed are his own, and may or may not be shared by all members of the SDWF. He can be reached by e-mail at [billantonides@abe.midco.net](mailto:billantonides@abe.midco.net). The author is trying get his oldest daughter and her family afield, but new laws could make it much harder, more expensive, and less productive than it has to be. Photo by Bill Antonides.

The majority of legislators are hard-working individuals who truly want to preserve our quality of life.

**2009/2010 South Dakota Wildlife Federation's Custer State Park Buffalo Shoot**

**\$10 each or 3 for \$25**

**Winner's Choice Of:**

- ◆ A guided buffalo shoot during the 2010 Fall Season. Rifle or bow allowed for the shoot.
- ◆ A cash prize of \$1,500.
- This is a guided shoot in Custer State Park located in southwestern South Dakota.
- These bulls average two years old.

**\*Drawing to be held at Annual Convention, August 2010.**

Void where prohibited by law. Your presence or contribution not necessary to win.

**SDWF, PO Box 7075, Pierre, SD 57501 (605) 224-7524 • www.sdwf.org**

**2009-2010 SDWF Custer Park Buffalo Shoot**

Name \_\_\_\_\_  
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**2009-2010 SDWF Custer Park Buffalo Shoot**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

**2009-2010 SDWF Custer Park Buffalo Shoot**

Name \_\_\_\_\_  
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Phone \_\_\_\_\_

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Name \_\_\_\_\_  
Address \_\_\_\_\_  
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**2009-2010 SDWF Custer Park Buffalo Shoot**

Name \_\_\_\_\_  
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**2010 South Dakota Wildlife Federation's 21 Gun Giveaway**

**\$20 each**

1. Remington 700 ADL	.270
2. Remington Super Mag	12 ga.
3. Bennelli Nova	20 ga.
4. Remington 597 Scoped .22 combo	.22
5. Ruger 77R	25.06
6. Remington 870 Express	12 ga.
7. Ruger 77R	25.06
8. Savage 9317-DXP	17 cal
9. Bennelli Nova	20 ga.
10. Remington Exp. Super Mag.	12 ga.
11. Ruger 77R	25.06
12. Savage 9317-DXP	17 cal
13. Remington BDL	.22-250
14. Remington 597 Scoped .22 combo	.22
15. Remington 870 Exp.	20 ga.
16. Ruger 77R	.338
17. Savage 9317-DXP	17 cal
18. Bennelli Nova	20 ga.
19. Remington 870 Exp.	12 ga.
20. Savage 9317-DXP	17 cal
21. Remington 597 Scoped .22 combo	.22

- ◆ One gun will be awarded for each 100 tickets sold.
- ◆ 21 guns will be awarded if 2,100 or more tickets are sold.
- ◆ SDWF reserves the right to offer a cash settlement or substitute a gun of equal or greater value.

**\*Drawing to be held at Spring Board Meeting, May , 2010.**

Void where prohibited by law. Your presence or contribution not necessary to win.

**SDWF, PO Box 7075, Pierre, SD 57501 (605) 224-7524 • www.sdwf.org**

**2009/2010 SDWF 21 Gun Giveaway Ticket**

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Please Write Legibly

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Phone \_\_\_\_\_  
Please Write Legibly

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Phone \_\_\_\_\_  
Please Write Legibly

1 Year Membership @ \$20	Total \$ _____
1 Buffalo Shoot Ticket @ \$10	Total \$ _____
3 Buffalo Shoot Tickets @ \$25	Total \$ _____
21 Gun Giveaway Ticket @ \$20 ea.	Total \$ _____
6 Buffalo Shoot Tickets and Membership @ \$45	Total \$ _____
6 Buffalo Shoot Tickets and 3 - 21 Gun Tickets @ \$90	Total \$ _____
6 Buffalo Shoot Tickets, 3 - 21 Gun Tickets and Membership @ \$100	Total \$ _____
<b>Total</b>	<b>Total \$ _____</b>

## Why South Dakota protects its hunting heritage

by: Chuck Dieter SDWF Board Member and Biology Professor.

Currently, we have excellent hunting because there are large numbers of waterfowl around. Why do you think we have good numbers of ducks and geese? Because they are not blown out of here. If we have significantly more hunters, the waterfowl will be shot or move out. Then nobody will have good hunting.

South Dakota is not alone in giving benefits to residents and limiting non-residents for some hunts. Just about every state and Canadian province either limits or shuts out nonresidents from some hunting opportunities. Montana severely restricts nonresidents for all of their big game licenses even though the state is full of federal land. Minnesota prohibits nonresidents from hunting prairie chickens, moose, and elk. Heck, a nonresident can only harvest wild rice for 1 day and it costs 30 bucks!

While most residents will tolerate some nonresidents, they do not like it if their favorite public areas are mobbed by nonresidents. They are even more upset if prime private areas are leased by wealthy out-of-staters. Currently, there are 4,000 regular non-resident licenses, 2,000 3-day licenses, 2,000 September Canada goose hunting licenses, and unlimited spring conservation order licenses for snow geese. Many locals say "enough already".

Hunting ducks and geese is a passion for many South Dakotans. We live here all year, struggling with bad weather and low wages. But we pay our taxes, support the economy, and reside here because we like the quality of life. A huge part of the reason many

people live here is the quality of outdoor pursuits, mainly hunting and fishing.

I have heard many state, that the landscape of South Dakota is devoid of waterfowl hunters. That simply is not true. Take it from someone who is constantly scouting for good hunting spots – there is already plenty of competition for good spots. While it is great to share our natural resources with others around the country, the supply of excellent hunting opportunities is not infinite. As with many outdoor endeavors, as the number of participants increases, the quality decreases. As I see it, we can maintain excellent hunting for some, or poor hunting for many.

Currently, South Dakota provides excellent hunting for residents and some nonresidents. If we open waterfowl hunting in South Dakota to all comers, the hunting will be ruined for all except those who can afford to lease prime areas. We are just simply too close to big population centers. Earlier generations of South Dakotans fought this battle in the 1960's when nonresidents were buying or leasing all waterfowl areas. At that time, the residents voted to eliminate nonresident waterfowl hunters. If unlimited waterfowl hunting returns, things will be bought up or leased at a much higher rate than 40 years ago. As hunters and conservationists, we have an obligation to maintain the waterfowling tradition for our children and grandchildren. It is also time for this generation of South Dakota waterfowl hunters to step up and fight to retain our hunting heritage. The first step is to use it or lose it.

Montana severely restricts nonresidents for all of their big game licenses even though the state is full of federal land

## Farmers fear Expansion of Wetlands Protection

Reprinted with permission from Sioux Falls Argus Leaders

Conservation groups are asking Congress to restore Clean Water Act protection to small wetlands, especially those in the Prairie Pothole region of the Upper Plains.

Yet other groups, including property rights and farm and ranching interests, fear the legislation will result only in a federal land grab.

The bill, SB 787 or the Clean Water Restoration Act, is at the heart of the debate. The legislation, which would remove the word "navigable" from the Clean Water Act, is awaiting debate on the Senate floor this year.

At issue, conservation groups say, are U.S. Supreme Court decisions that stripped away protection of isolated wetlands under the landmark 1972 Clean Water Act. Sportsmen say some 20 million acres of wetlands lost protection in the rulings.

"Some landowners are taking advantage of this lack of protection to drain these areas that are critical for migrating waterfowl," said Paul Lepisto of Pierre, the Izaak Walton League's regional conservation coordinator for Iowa, Nebraska and South Dakota. "When passed, it will have a great impact in South Dakota and restore protections afforded in the original act and that are critical to wildlife and wetlands in this state. Look around - I've seen landowners tiling and draining wetlands at a rate that is unprecedented in the three decades I've lived in this state."

But ranchers, landowners and farm groups say the EPA would gain too much control over wetlands, including seasonal puddles on their land. Several state agricultural groups have come out against the measure - and vow to fight against it.

"Our concern is removing the term 'navigable,'" said Jodie Hickman, executive director of the South Dakota Cattleman's Association in Rapid City. "Our concern, if that happens, is it brings all water under EPA control, and that brings the EPA to the ranch. It seems to be overkill on what the EPA has to have jurisdiction on. We

work closely with the (state Department of Environment and Natural Resources) and we feel DENR is doing a good job already on these issues."

The Prairie Pothole region is a wide swath of grass and wetlands that includes eastern South Dakota. It is the most threatened - yet most important - area to waterfowl production in North America, conservation groups say. More than 70 percent of the waterfowl are born and reared in the Prairie Pothole. And it's estimated that waterfowl hunting adds \$2.3 billion to the U.S. economy each year, according to U.S. Fish and Wildlife statistics.

"Waterfowling could lose millions of birds a year if these breeding habitats are destroyed," Dr. Scott Yaich, director of conservation operations for Ducks Unlimited, said in a statement. "Clean water and wetlands are important, not for just hunters and anglers, but for all of us."

Nationally, landowners are pushing back against the measure, saying it would strip their rights as property owners.

The legislation was introduced by Sen. Russ Feingold, D-Wis., and is supported by 24 senators. Sen. Tim Johnson, D-S.D., said Congress must be flexible with the bill.

"South Dakota can benefit from clarifying responsibility for monitoring the water quality of its rivers, streams and wetlands," he said. "That being said, new rules must be flexible to allow farmers and ranchers options for safeguarding water resources, and the current proposal still requires additional refinement and modification to achieve those ends."

Sen. John Thune, R-S.D., opposes the measure.

"The bill would undercut the ability of farmers and local communities to use resources for economic development and job creation," he said. "I am opposed to this legislation because I believe it would seriously damage our agricultural sector and other businesses in South Dakota."

"South Dakota can benefit from clarifying responsibility for monitoring the water quality of its rivers, streams and wetlands," he said.