

*The
South Dakota*

August 2023



Bowhunter

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On the Front: Jake Leibke

On the Back: Rayden Haak with is recurve mule deer harvest.



Editor's Note

You have come to know the great publication this has been for some time, let's give credit where it due. Mike Mcknight and his wife have done an amazing job edition after edition. But Mike has decided to step back and take a break. So I have taken it over. I hope to keep it just as great as it always has been but it might take me an edition or two for it to be as polished as it always has been. Mike don't think your efforts have not gone unnoticed and thank you for all you have done for SDBI.

This newsletter is just another fun challenge for me here at SDBI HQ. Besides keeping all the behind the scenes stuff updated and helping Dana keep up with all the communications and helping the rest of the Board with all the social media items I have turned myself into a very busy person. But I love the challenge and being a part of the bigger goals, the goals and mission of SDBI. Now gearing up for 2024 convention I will get even busier very soon!

Six months ago I was blessed to be giving a position as a board member and it's been incredibly fun. I have been apart of all this and I have made some great friends along the way. One person who I have come to know is Mr. Rick Hoff. Mr. Hoff is a member and you might recognize the name because he was the front representing us on the last crossbow petition. Although the petition failed with the GFP Mr. Hoff did an excellent job being the front for SDBI for that petition, thank you Rick. I believe he still owes me an adult beverage too.

I just want to put out a reminder as well that we have our SDBI license plate decals for your organization plates. This was a project I was a part of and really glad to get done. I have seen a couple in the wild and always makes my day when I see one. If you want to display one please visit the website to order yours. I have send out 50 sets of decals so far.

Lastly, with hunting season just around the corner I wish you all the best of luck this year. I hope you submit pictures, stories for the future editions as well. This is a members newsletter and what better way to celebrate our passions is to show off our adventures.

Phil



Next deadline to submit articles or pictures is October 15th

Email articles, photos, want ads, cartoons, and letters for newsletter submission to :

Phil Lentz

sdbi.net@gmail.com



Presidents Column

The good times are almost upon us again fellow bowhunters! We're only a few weeks away from antelope season and only 30 days away from chasing bugles. I know I'm personally looking forward to spending another September in the mountains of Wyoming chasing elk. There's no finer time of year and no better feeling than having an archery elk tag in your pocket.

Many of you probably have the same excitement as September approaches. Maybe you've finally drawn that coveted South Dakota elk tag, or maybe you apply in multiple states and draws to maximize your elk opportunities and hit on a tag or accumulated enough points to draw. There's a lot of ways to come into an elk tag, the important thing is to take in the experience and enjoy every minute of the opportunity!

SDBI played the key role in bringing that opportunity to South Dakota's archers by way of lobbying for our first ever archery elk seasons in the state. We continue to lobby and push for increased opportunities for archery elk seasons, protecting our existing tag opportunities, and keeping archery hunting a primitive endeavor by opposing the crossbow at every turn. We've had great success in the past year, but we've also faced some challenges and setbacks.

This past month we lobbied the Game Fish and Parks Commission to remove the crossbow from the archery paddlefish season. Obvious fair chase concerns exist with the crossbow in this season as well as numerous safety concerns. These issues were all brought before the commission articulately by your board, lobbyist, and president. Unfortunately we were not successful in convincing the commission to walk back the rule and, for the time being, the crossbow is still a legal means of take.

Your board will continue to watch the safety record and harvest statistics of the crossbow inclusion in the paddlefish season to see if there are changes that warrant another run at a petition for 2024 in removing the crossbow. Until then we'll continue to keep a close eye on upcoming proposals and legislation to ensure the crossbow does not expand into other seasons.

On the front of nonresident archery caps for deer and antelope, the first draw for these seasons was held a few weeks ago. The number of applicants for deer were 2,825 and 570 for antelope. The draw odds for each tag were 78% and 79% respectively. Hardly a "sky is falling" outcome for our nonresident bowhunters, but it did place a much-needed cap on what could have been a skyrocketing pressure issue. We look forward to working with the department on the upcoming deer management plan hopefully to further refine our approach to nonresident archery tags to make opportunity available where it makes sense and to limit opportunity where needed.

SDBI has some very exciting upcoming news and events that will be unfolding over the summer and fall months as we prepare for our upcoming convention next spring in Deadwood. We were blessed with the amazing opportunity to have the venerable Randy Newberg join us as our keynote speaker. Randy is the host of Leupold's Fresh Tracks and On Your Own Adventures and the host of the long-standing Hunt Talk Podcast and forum. He has long been considered the voice of the public land hunter in the west. Randy is one of the leading advocates for public land access and hunter's rights. We're extremely excited to have Randy join us in Deadwood April 5,6th 2024 at Cadillac Jacks.

SDBI will also have another raffle rolling out about the same time this finds your inbox. After our extremely successful Swarovski raffle this spring, we will be raffling off another optics package. This time we'll offer a spotting scope and tripod combo. Please buy your tickets early, they will sell out fast!

As I wrap my column up this quarter, I'd like to thank all our volunteers and board members for all of their efforts the past 6 months. We've done some great things for SDBI and we are working diligently as the organization's representatives to continue to grow our association for the future and expand our influence on decision making in Pierre. We can't do that without all of you stepping up and volunteering and making us who we are. Thank you to each and every one of you, we are bowhunters one and all.

Justin



Secretary/Lobbyist Report

Summer is flying by and before we know it, we'll be bowhunting once again. Hopefully many of you have had a summer filled with bowfishing and 3D tournaments. The draws have all run and everyone should know what there fall plans are. As you saw from reading the Presidents column, the changes GFP agreed to with the Public/Private NR archery deer and antelope licenses was really not that much of a significant impact at all. Both NR draws drew out at just shy of 80% success rates! That also does NOT include the continued unlimited sale of Private land only NR permits. We won't know the actual total license sale numbers until winter and then another several months after to see harvest impacts.

I do think It's fair to wait a few years to see what trends and impacts there are before SDBI decides what we want to pursue for further changes. As you already know our member driven request to petition the GFP commission to remove Crossbows as a legal weapon for the paddelfish season. Rick Hoff was gracious enough to be the point man for testimony and put his name on the line for all SDBI members in doing so. Several board members and a few of the general membership testified in person and via zoom. The commission decided against the removal after only a year and we will need to be looking into the future for statistics to analyze and any safety issues that may come from their inclusion.

The camels nose continued to push further into the tent as the Minnesota DNR and their commission has become the most recent state to allow a full-on inclusion for anyone that wants to use crossbows in their general archery season. The Archery Manufacturers Organization lobby and the liberal participation trophy/let's make everything easy crowd won't stop folks! It's going to take more people working and lobbying their legislators and GFP Commissioners to keep this in check. Remember, biologists couldn't care less what weapon someone uses or how a deer dies. It's all population numbers, harvest numbers, habitat, landowner tolerance and days of recreation to them.

Recently I've asked several of the more seasoned SDBI members to help us put together a list of accomplishments. If after reading the list below, you find something significant to help with knowledge and recruitment, please let us know. So far, I've listed the following:

- Archery Deer seasons
- Archery Antelope seasons
- Archery Black Hills Elk seasons
- Archery Turkey seasons
- SDBI was the leader in getting an early Custer State Park elk season
- SDBI was he prime sponsor of mandatory bowhunter education at the time
- Provided Bowhunter Education instructors
- Provided input to GFP on equipment restrictions
- Successfully lobbied against unlimited crossbow use at legislature
- Lead effort to create a true cap/draw limited entry for archery deer in Custer National Forest
- Petitioned and lobbied for 6 years to limit NR public land Archery Deer and Antelope

With our three great new board members (Rob Mahaffey, Ron Kolbeck and Phil Lentz) we've got some great new blood and energy to help move SDBI forward and improve as an organization. We are planning to attend, set up booths and recruit at several 3D tournaments. Rob, Phil and I have done the same at the Full Draw Film tour in Rapid City by the time you read this. We've discussed other options like "Pint Nights", Video Contests, YouTube and Podcast ideas and other ways to change and tweak ourselves to help recruit and make SDBI a much more robust and active statewide organization. As we mentioned at the Yankton convention, we NEED more membership involvement with assisting on many projects and helping in several areas. Phil Lentz has done an outstanding Job with helping take on membership duties on the Gmail account, our membership lists, Facebook and our website. He's also stepped up to volunteer to take over newsletter duties from Mike McKnight. Mike and his wife have put together our newsletter every quarter for the entire time I've been on the board (7 years). They likely did it a few years before that too so we owe Mike and his wife a HUGE THANK YOU!



Our fundraising efforts have also been tweaked. We've decided to have a few different high ends raffles each year. We will still continue the flagship bow or \$1,000 cash raffle. That was a fantastic idea that former board member John Meyen came up with. That alone helps to make sure our banquets are most likely solvent. This spring we raffled off a pair of Swarovski binos. That raffle basically netted \$2,000 after the binos were purchased. We need to give a big shout out to Al Kraus of Black Hills Archery in Rapid City for that. Without him, that would not have happened. The plan is that when you read this issue, we will be raffling off a package of a Swarovski Spotting scope with fluid head and tripod. The goal of doing a few more raffles will be to help offset the costs we incur throughout the year. Unfortunately, our live auctions have not brought forth the funding we'd hoped for so we are trying to be creative in how we make sure we don't have to worry about our banquet's finances.

Speaking of the banquet, we are moving our banquet back about a month and a half to the first weekend in April in Deadwood at Cadillac Jacks. Rob Mahaffey and Chad Scholten are currently on point to put that event together. We will have a max capacity and a fantastic speaker that Rob did a great job arranging. If you want to ensure you have a ticket, I wouldn't wait too long into 2024 or you may possibly be left wanting. We anticipate this will be a great event.

This fall/winter I expect several important stakeholder groups and proposals to keep an eye on. The Deer Management Stakeholders group is supposed to reconvene and revisit the tag allocation/draw process. I'd also anticipate some legislator coming up with more significant impact bills such as crossbow inclusion and perhaps more landowner tag options like we saw with NR Elk last session. If you'd like to get more involved with SDBI and give back to the sport you love, please let us know. There will likely be a need for new board members and assistance on various committees. I hope you all have a great rest of your summer and in those early seasons.

Dana



North American Model of Wildlife Conservation

Ron Kolbeck Director

The North American Model of Wildlife Conservation

Wildlife Resources Are a Public Trust

Markets for Game Are Eliminated

Allocation of Wildlife Is by Law

Wildlife Can be Killed Only for a Legitimate Purpose

Wildlife is Considered an International Resource

Science Is the Proper Tool to Discharge Wildlife Policy

Democracy of Hunting Is Standard

I provided a summary of The North American Model of Wildlife Conservation and its meaning to me in *the last newsletter*. As promised, I will now be taking a closer look at each component of the model to provide a historical framework and identify some of the challenges and concerns that lay ahead. While I have added information specific to South Dakota, much of the information contained in this article has come from a December 2012 Technical Review published by The Wildlife Society and The Boone and Crockett Club. To view or download a PDF of this report go to wildlife.org/publications/technical-reviews.

The keystone component of the Model is the concept that wildlife is owned by no one and is held in trust for the benefit of present and future generations by government. Joseph Sax, the pre-eminent scholar of the Public Trust Doctrine, traced the roots of this concept back to Roman law. Roman law defined common property as 1) could not be privately owned, and 2) was for common use by everyone. Wildlife was included within the law of things owned by no one. Ownership of a wild animal occurred only when it was physically possessed, most typically when killed for food.

There is no legal code specific to the Public Trust Doctrine because it has never been officially enacted. It is judge-made law that is interpreted and evolves through court decisions. It was not until 1842 and the Supreme Court decision in *Martin v. Waddell* that trustee status was ascribed to the states. Because the Public Trust Doctrine is common law, and judge-made, it can never be repealed by a legislature. The traditional applications of public rights under the Doctrine were for navigation, fishing, and commerce. It was not until 1896 in *Geer v. Connecticut* that wildlife became firmly established in law as a public trust resource of the states. In their ruling, the court stated:

"Whilst the fundamental principles upon which the common property in game rests have undergone no change, the development of free institutions has lead [sic] to the recognition of the fact that the power or control lodged in the State, resulting from the common ownership, is to be exercised, like all other powers of government, as a trust for the benefit of all people, and not as a prerogative for the advantage of the government, as distinct from the people, or for the benefit of private individuals as distinguished from the public" [161 U.S. 519, 1896].

Since wildlife is established as a public trust resource of the state, it is primarily governed by state law. Therefore, there is no single law but many, that each embodies the principle of the fundamental rights of all citizens. Like most other states, South Dakota does not have a constitutional provision relating to the Public Trust Doctrine. However, current SD codified law (41-1-2) declares game birds, game animals, and game fish as the property of the state and thus cannot be owned by others. In 1919 the SD Supreme Court ruled that the State had the duty to preserve wildlife from the greed of hunters, which has been reaffirmed on several occasions. There have been several court rulings in SD that have upheld the Public Trust Doctrine related to topics such as the ownership of water and access by the public, use of section lines for hunting & fishing, and authority of the state to enforce hunting, trapping, and fishing regulations.



Current and Potential Threats or Challenges

The 2012 Published Technical Review identified and placed the threats into the following four categories: 1) inappropriate claims of ownership of wildlife; 2) unregulated commercial sale of live wildlife; 3) prohibitions or unreasonable restrictions on access to and use of wildlife; 4) a value system endorsing an animal-rights doctrine and consequently antithetical to the premise of public ownership of wildlife.

In many jurisdictions domesticated native or exotic animals may be owned. This would include game farms for the purpose of producing meat, or producing antlers for sale, or to provide shooting opportunities in enclosed high-fence areas. In South Dakota, this would be most prevalent as it relates to pheasants, but we also have examples related to deer, elk, bison, etc. And, during recent testimony we have heard claims from some landowners that if a deer is on their land it is their deer. At its core, the key question is, “Do wild animals held in captivity, including fenced enclosures, remain as trust resources or are they private property?” These issues have not been widely addressed in case law, thereby raising uncertainty about the Public Trust Doctrine’s application to these situations. Furthermore, commercialization (sale of meat/parts or sale of shooting opportunities) places a monetary value on wildlife and incentive for their use, which threatens the premise of public ownership of wildlife.

History has proven that some forms of commercial use of wildlife are unsustainable. This is why commercialization, when permitted, should be highly regulated and controlled. However, there are forms of wildlife commercialization that are poorly regulated. For example, evidence suggests that the commercialization of amphibians and reptiles may be harmful to native wild populations. Remember that I pointed out that SD codified law appears to only address the ownership of game birds, game animals and game fish. What about the remaining wildlife? An all-inclusive approach to wildlife management would help ensure that all species receive benefits associated with public valuation and public ownership.

A central premise of the Public Trust Doctrine is access to wildlife, yet there is growing evidence that the public has a more difficult time finding places to hunt or trap on private land, or even in gaining easy access to public lands. We have certainly seen the impact of commercial hunting here in South Dakota that has resulted in many private lands being closed or requiring high fees. We also continue to deal with public access to land-locked public lands. As SDBI and others have testified in both the legislature and the Game, Fish & Parks Commission, there is a risk that people may stop hunting if they are unable to find a place to hunt, cannot afford the fees, or are discouraged by crowding on public lands.

The foundational notion of public ownership implies that society values wildlife and, by implication, understands the premise of wildness. Urbanization has led to notions such as the widely discussed nature deficit disorder which suggests that citizens may be growing increasingly ambivalent toward nature. If that is true, why should they care about maintaining wildlife in perpetual public trust? Strong leadership and concerted efforts on the part of wildlife professionals will be required to make the case that wild places are important, and that wildlife needs to be protected for one and all.

In the United States the Public Trust Doctrine in its traditional form is strongly based on statutory and case law, especially as applied to navigable waterways. However, few states have specific case law that clearly recognizes wildlife as a public trust resource. Many states, including South Dakota, use either explicit or implicit statutory language to confer public trust status to wildlife resources. It is recommended that further legislation should be developed to improve definitions of public trust responsibilities, authorities, and jurisdictions over all wildlife species and their habitats, clarifying any confusion between such animals and domestic livestock.



I hope you find this article series to be informative and useful in establishing a foundation for future discussions with wildlife management policy makers and I encourage you to share with the public to help build awareness of the North American Model of Wildlife Conservation. Join me next time as we look at the next two principles of the model.

Ron Kolbeck, Director (605) 471-9976



Message from Board Member Rob

By the time this gets to you we'll be about thirty's days out from archery pronghorn. Crazy to think how fast these seasons circle back around and they're here before we know it. So, something I've been thinking about a lot lately is the amazing diversity we have in our state when it comes to archers shooting trad equipment and modern archery equipment. I think it's key to appreciate that we all play pretty well together. That's not the case in all states though. Many states have split causing the formation of archery associations as well as separate Traditional Archers Associations all in the same state. It's baffling to think about what those state associations can't come to the middle and agree on. We are currently in a time when we all need to be joining together to conserve our natural resources. Currently we have states in the U.S. with GFP commissions that are actively trying to outlaw hunting. A couple of those states have two separate associations for archers broken into the Modern and Traditional archery categories. While they've been bickering over arrow weights and 60 yard shot ethics... their commissions struck while the door was left unlocked. As of today there's no reason for big egos. The big game we hunt could care less about most of the things we dig our egos into. They're more concerned about eating, drinking, and breeding on good habitat. That is what we must always work together to preserve. As an individual I'm pretty blessed to have a couple of very close friends who own both forms of archery equipment. They choose what they think will be the most fulfilling way to hunt. I respect that. I never hear them cast doubt or question someone else's choice. Honestly they're probably two of the most conservation minded archers I know. Truthfully the less focus we put on equipment and the more we are focused with knowing the game we hunt the better our own hunt will be. The groups that don't like our hunting heritage love to see us at odds with each other. It gives them very opportunity to take advantage of the moment. So the next time you're thinking out loud about the choice of archery equipment someone else is using please think twice. If it gets the job done that's all that matters. Ethics and equipment are not the same thing. Fell free to disembowel me on my email robertdmahaffey@icloud.com

Rob



Fishing Fun

How about some fishing fun.....



Forrest Cain with is great paddle harvest. (left)



Dana having a great session.



Petr Skaroubka


















SDBI Merchandise

SDBI Merchandise is always available and easy to obtain. We have been partners with Alpine Impressions out of Spearfish. They supply us with our high quality merch. You can order from them anytime and it is only a short wait for delivery. If you visit our website www.sdbi.net and head over to the "membership/merch" page you can link to our shop. They have everything available from shirts, jackets, vests hats and more. If you don't see something reach out to them, chances are they will have it and be willing to produce it.

Below is just a screen shot of some of things you can purchase. Show your SDBI pride with great merch and a portion of the sales do go directly to SDBI.

If you are looking for a hat or insulated log mug we do have those on hand. Contact Phil for those.

				
Bowhunters- Sport-Tek PosiCharge Tri-Blend Wicking 1/4-Zip Pullover \$35.00 – \$39.00 Select options	Bowhunters-Sport-Tek PosiCharge Tri-Blend Wicking Polo \$30.00 – \$34.00 Select options	Bowhunters-Sport-Tek PosiCharge Tri-Blend Wicking Raglan Tee \$25.00 – \$29.00 Select options	Bowhunters-Sport-Tek Long Sleeve PosiCharge Competitor Tee \$25.00 – \$29.00 Select options	Bowhunters- Sport-Tek PosiCharge Competitor Tee \$20.00 – \$24.00 Select options
				
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Wildlife Snapshots



SPARTAN

ROGERS1

Dana with his gobbler. Dana also provided some trail cam footage.







Wild Goats photographed by Phil Lentz.
Taken hiking a volcano in Hawaii on summer vacation.



Waimea Canyon
Island of Kauai, HI

Also filmed parts of Jurassic Park here.



Julie, wife of Board Member Rob



Board Member Rob, dirty hands, clean....



Tyler Pickett Harvest top
Dana Rogers Harvest below





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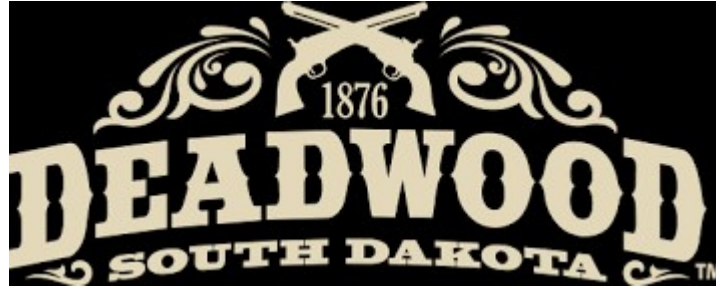
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Under the Membership/merch
page.



Who is excited for 2024 Convention?
Reserve a room before they gone! We have a SDBI Convention Rate of \$100 per night but have limited availability. Book Early!

2024 Conference Reservations:

SpringHill Suites by Marriott in Deadwood, SD is honored to host the guests of the **South Dakota Bowhunters Conference**.

Rates are valid for **April 5 to April 7, 2024**

Individuals may book their reservation at the group rate using the link below, online with the code **SDBN**,

or can call our hotel directly at **605-559-1600** and request a reservation.

Rates and code are only valid for King Suites and must be made prior to **March 8, 2024**, to receive the group rate.

The hotel allows individual cancellations without penalty up to **48** hours prior to arrival date.

Cancellation policy is enforced regardless of what automated emails or Marriott websites list.

[SpringHill Suites by Marriott Link](#)

MORE INFO TO COME, WATCH YOUR EMIAL FOR TICKET INFO AND OTHER REGISTRATION DETAILS



South Dakota Bowhunters Inc. is proud to announce **Randy Newberg**, *the voice of the public land hunter in America*, as our keynote speaker for our 2024 Annual Convention and Banquet.



When: April 5-6, 2024

Where: Cadillac Jacks - Deadwood, SD

(Tickets go on sale Fall 2023. Watch our website (SDBI.net) for details to reserve your spot.) Email will also be sent to members. Limited tickets will be available!



Ultimate Preseason Scouting Raffle: Swarovski ATS/STS 65 Spotting Scope w/20x-60x eyepiece. Winners choice of angled or straight. Includes Vortex carbon fiber tripod and pan head. \$25 per ticket or 5 \$100. Only 200 tickets sold.

Link for Spotter: [ATS 65 - 20-60x - SWAROVSKI OPTIK](#)

[STS 65 - 20-60x - SWAROVSKI OPTIK](#)

Link for Tripod: [Summit Carbon II \(vortexoptics.com\)](#)

Tickets for sale at:
www.sdbi.net



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Link for Tripod: [Summit Carbon II \(vortexoptics.com\)](#)

Tickets for sale at:
www.sdbi.net

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What is South Dakota Bowhunters, Inc.?

- South Dakota Bowhunters, Inc. is a bowhunting organization interested in preserving and upgrading bowhunting in South Dakota.
 - South Dakota Bowhunters, Inc. is a leader in the South Dakota Bowhunters Education Program.
- South Dakota Bowhunters, Inc. is a leader in fighting the anti-hunting movement in South Dakota.
- South Dakota Bowhunters, Inc. is a strong lobbyist working in the best interest of Bowhunting.

What benefits would I gain by becoming a member of the South Dakota Bowhunters, Inc.

- A VOICE to the GF&P Commission, GF&P Staff and the SD Legislature through SDBI.
- A quarterly newsletter (shown top right) full of stories, pictures, and tips from SDBI members. This newsletter also keeps you up to date on bowhunting seasons and license availability. The satisfaction of knowing you have done your part to insure bowhunting future in our state just by joining.



Bowhunter

Please Print Clearly

Mail to: **South Dakota Bowhunters, Inc.**

24021 Twin Rocks Rd
Hill City, SD 57745

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☐ New Renew

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☐ Family Membership 1 Yr. \$30

☐ Single Membership 3 Yr. \$50

☐ Life Membership \$250

To sign up online:
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