



Freedom from Bureaucracy

RETIREES CAN USE WILDLIFE KNOW-HOW TO AFFECT LEGISLATION

By Mike McEnroe



Credit: Eileen McEnroe

Mike McEnroe retired in 2005 after 31 years as a biologist with the U.S. Fish and Wildlife Service. He now serves as a lobbyist on wildlife-related issues in North Dakota.

This was a busy year for wildlife legislation in North Dakota, and as a lobbyist for The Wildlife Society's North Dakota Chapter, I've been in the thick of it. In all, our state legislature handled 916 bills and resolutions during the four-month 2013 session. Our Chapter followed about 60 bills related to wildlife and natural resources and we actively worked on 30, often providing testimony or lobbying behind the scenes.

Prior to retiring in January 2005—and starting as a lobbyist the next day—I worked for 31 years with the U. S. Fish and Wildlife Service (FWS), mostly in North Dakota as a wildlife biologist, refuge manager, and in law enforcement. Such experience can lend credibility to a lobbyist, but retirement is a bigger asset: I now have leeway to speak bluntly, a luxury that state-agency employees often lack for fear of repercussions. They can't speak out against an agency policy that they may believe is politically motivated or detrimental to wildlife. Retirees can.

Our Chapter has been able to provide testimony and science-based data when agency personnel could not, and we can provide an avenue for controversial agency information to be presented in a way that protects agency staff from political fallout. Such lobbying on behalf of natural resources at the state and federal levels is critical primarily for two reasons. First, wildlifera and outdoor enthusiasts are often slow or reluctant to advocate for their interests; and second, special interest groups with financial opportunities based on exploitation of natural resources are well-financed and have better access to the political process.

North Dakota has its own special set of issues that makes wildlife lobbying essential. In the last four to five years, oil and natural gas development as a result of hydraulic fracturing has grown exponentially. Our conservative, agricultural state now finds itself awash in money. State leaders welcome the growing economy and resultant jobs and revenues, but they resist regulations and restrictions, especially those that accompany oil development on federal lands and those—such as the Migratory Bird Treaty or

the Endangered Species Act—that may impede the industry on non-federal lands. A common-sense, middle-ground position that recognizes the value of natural resource protection while accommodating development is therefore often overlooked.

Long-standing controversies—often involving states' rights versus federal control—arise in natural resource legislation in our state legislature. These controversies include Corps of Engineers (COE) management on the Missouri River and enforcement of [Section 404](#) of the Clean Water Act (which regulates discharge of dredged or fill material), the Bureau of Reclamation (BOR) on issues involving the [Garrison Diversion](#) for irrigation, the FWS on land acquisition and wetland easements, the National Park Service (NPS) on elk management, and the U.S. Department of Agriculture on Swampbuster and wetland determinations.

Management of natural resources for wildlife and other purposes is strongly influenced by the political process. Most bills our Chapter works on are heard in the two Natural Resource Committees (House and Senate), but we also work with the Agriculture and Appropriation Committees and with any other committee that hears a natural resource bill. It is vital that those who care about natural resources ensure that sound scientific information is presented to decision makers *before* they make their decisions. Our Chapter's lobbying effort is an opportunity to address this critical need.

In the Trenches

In 2013, we won some and we lost some, with science often taking a back seat to politics. We weighed in on bills covering topics from feral horse management and wetlands easements to license-fee increases and land ownership. On some bills, lobbying was easy. In a bill regarding animal cruelty, for example, we suggested that the agricultural organization sponsors add dog training to the list of exempted activities, which included hunting, trapping, and fishing. Lobbying on other bills involved testifying in one or both the House and Senate, working with individual

legislators, and sometimes providing facts or writing statements that supportive legislators could use for testimony or floor debate. What follows is a sample of some of the bills we've addressed, what we argued, and what happened. It'll be an eye-opener for anyone considering this post-retirement pursuit—one for which you need a thick skin.

License Fees. In 2013, a license fee increase for the North Dakota Game and Fish Department (GFD) was a major issue. Without the proposed increase, the GFD would have had to cut staff and programs to operate within their anticipated license revenues. The Chapter argued that the fee increase was needed, and hunters and fishers were more than willing to pay more for the programs and services provided by the GFD. The fee increase passed.

Outdoor Heritage. Two bills authorizing and funding a State Outdoor Heritage Fund from oil tax revenues were significant in 2013. We lobbied for the bill that would have provided the higher funding, but the weaker, less expensive of the bills passed. It authorizes \$30 million per biennium, but only provides \$17 million, and prohibits land acquisition, conservation easements, or interference with the energy industry. In addition, it is managed by a committee dominated by energy and agricultural groups.

Public Land Ownership. Two separate bills called for returning federal land—managed by the COE for flood protection, wildlife management, and other purposes—back to former or adjacent landowners. Prior to the hearing on one of these bills, the GFD, which stood to lose some 40,000 acres of Wildlife Management Areas, was told by the Governor's staff to be neutral on the bill. But in a state with minimal public land, it made no sense to give 40,000 acres of existing public land back to private landowners for agricultural and resort development. We testified that the COE lands were still needed for flood control and that fish, wildlife, and recreation were authorized purposes. A modified bill passed as a study resolution.

Wildlife Baiting. Bills to prohibit hunting over bait have cropped up over the years and have usually been defeated. In 2011, the GFD worked especially hard to support an anti-baiting bill, asking veterinarians and wildlife disease experts from various states to provide science-based information about the risks of baiting to wildlife health. We advocated for baiting restrictions. Though some sportsmen stated that baiting was unethical and

expressed concerns over disease transmission or the artificial concentration of big game, hunters were generally divided about 50-50 on the issue.

Opponents of the bill (those who supported baiting) argued that baiting was necessary for hunter success and provided more opportunity for seeing game. Ultimately, legislators agreed with that position and killed the anti-baiting bill, saying the science on disease transmission and concentration of animals was lacking. After the defeat of the bill, one legislator came up to the GFD director, shook his finger in the director's face, and told him not to try to change the baiting rules through the annual hunting proclamation. Once again, politics trumped science.

Laying the Groundwork

Despite such defeats, we continue to work hard behind the scenes. The Chapter lobbyist and wildlife lobbyists from three other groups—the North Dakota Wildlife Federation, the Cass County Wildlife Club, and United Sportsmen—meet each week with GFD staff to discuss positions and strategies on bills to be heard that week. Combined with our Chapter's 350 members, these four organizations represent about 2,300 members working for a state of 700,000 people—including 100,000 who hunt, about 200,000 who fish, and countless others who camp, hike, photograph, and observe wildlife.

Our Chapter's Legislative Committee (loosely formed of members with interests in a particular bill or issue) meets weekly to develop positions and data for testimony. Generally, the other three wildlife

Members of TWS's North Dakota Chapter give an "Energy Tour" to staff members of the state's Game and Fish Department, discussing potential oil and gas impacts on the Killdeer Mountain Wildlife Management Area in Dunn County, North Dakota. In a state with a booming energy industry, the Chapter often lobbies on energy bills that may impact wildlife and habitat.



Credit: Mike McEnroe

Unchained: The Full-Time Job of Retirement

If you want to stay active within the wildlife and natural resource field without the administrative baggage, retirement can't be beat. There are no performance reviews, budget justifications, or conference calls to detract from what you want to do, or what your old job never allowed you to do. And there is no shortage of volunteer work needed by the wildlife agencies and organizations.

Of course, even *before* retirement, serving as a volunteer—especially for your professional society—can be an outlet for your skills. While still working for the U.S. Fish and Wildlife Service, I served on the North Dakota Chapter's Executive Board as president-elect, president, and past president. I served two two-year terms on The Wildlife Society's Central Mountains and Plains Section Executive Board, and I have served on several TWS committees.

Teaching others about our profession is also tremendously rewarding. I have been a hunter-safety instructor for the past 25 years, and my wife and I have taught numerous workshops for Becoming an Outdoors Woman (BOW), including classes on field dressing a deer, decoy carving and painting, waterfowl identification, and training in hunting, archery, and firearms. I also have served as President of the Bismarck-based Lewis and Clark Wildlife Club, working on a wood-duck house project with the Boy Scouts, conducting several venison sausage-making workshops, and showing the Aldo Leopold "Green Fire" video. In addition, for the past two years I've been elected as President of the North Dakota Wildlife Federation, and worked to sponsor three "Future of Hunting in North Dakota" workshops for sportsmen and outdoor enthusiasts. The Federation also sponsors a week-long summer youth conservation camp.

Most recently, retirement has provided me the opportunity to work with state and federal agency staff working with the oil and gas industry to assess its impacts on wildlife, natural resources, and natural resource agencies. Over the past three years I've had the opportunity to learn about this booming industry, work with a host of professionals and agencies, and visit new habitats and public and private lands that weren't a part of previous jobs. I have worked with North Dakota Chapter retiree Al Sapa to co-author three magazine articles and a report on how to reduce oil and gas impacts on fish and wildlife (McEnroe and Sapa 2011). I've also made 14 presentations to citizens and civic groups on oil impacts. Finally, our Chapter has hosted energy tours in each of the last three years for members, legislators, the media, and, this year, with members of the Izaak Walton League from Minnesota, Wisconsin, and South Dakota.

None of this would have been possible when I was working within the employment constraints or work schedules during my career with the U.S. Fish and Wildlife Service. But when you are retired, you can schedule volunteer projects among your other priorities such as hunting, fishing, camping trips, and all the home repairs that used to fill the weekends. You can also decline projects that other people "volunteer" you to do.

It's a good thing I'm retired 'cause I'm too busy to work.

— By Mike McEnroe



Credit: Nancy Boldt/NDGFD



Credit: Brittany Fish/NDGFD



Credit: Nancy Boldt/NDGFD

As a volunteer instructor for the Becoming an Outdoors Woman (BOW) program, Mike McEnroe teaches workshops in field dressing harvested deer (top) and decoy carving (center) and painting (bottom)—work that he finds "tremendously rewarding."

groups testify on hunting and fishing bills, whereas our Chapter also testifies on agriculture, energy, and other natural resource bills, which can affect wildlife, habitats, or the agencies that manage them.

The state wildlife agency generally takes a neutral position, presenting only the facts, science, or biology behind an issue. Even on issues that affect their budget, the GFD supports the Governor's budget and won't address Chapter or sportsmen-supported increases for funding, staff, or new programs if not endorsed by the Governor. The Chapter therefore often is able to provide stronger support or opposition to a bill than the department can, using an email tree to contact Chapter members when calls to legislators are needed on a particular bill.

Many legislators do not understand the difference between the state GFD and the various federal agencies (FWS, NPS, NRCS, BOR, COE) and non-government organizations (such as DU, Rocky Mountain Elk Foundation, The Nature Conservancy, or Audubon). In fact, to many legislators, and even to many North Dakotans, wildlife and natural resource groups are simply and derisively referred to as "the wildlife." We attempt to change that perception.

Building relationships with those legislators and giving them useful information helps build credibility for our lobbying effort. During each legislative session (held every two years), the Chapter along with Ducks Unlimited (DU) and the North Dakota Natural Resources Trust hosts a legislative reception where we can meet legislators and discuss bills and issues in an informal setting. By establishing a relationship with legislators, the Chapter is able work with them to propose programs or initiatives for conservation from within the legislative body.

Looking beyond the issues in our own state, the North Dakota Chapter also works and communicates with our state's congressional delegation on a wide variety of federal natural resource issues. These include the conservation title in the Farm Bill, energy issues on public lands, and Missouri River management, to name a few. Top issues for both the Chapter and The Wildlife Society continue to be the conservation title and the Farm Bill, and support for the federal land management agencies.

The North Dakota delegation in Congress has always supported state control of federal regulatory processes such as Section 404, management of the Missouri River, management of the one-million-

acre Little Missouri National Grasslands, and more recently taking over the Bureau of Land Management role on leasing federal minerals. But I believe it is absolutely imperative that the federal agencies retain such land management authorities and their public review processes for making decisions so that state political pressures don't overtake the broader conservation mission. In North Dakota, the GFD and the other state agencies that manage natural resources need all the support they can muster.



Credit: Jan Swenson/Badlands Conservation Alliance

Adding Our Voices

"All decisions are political." Those words of experience came from Mike Hayden—a former governor of Kansas, secretary of the Kansas Department of Wildlife and Parks, and assistant secretary in the Department of the Interior. Saying this as he addressed a joint meeting of the North Dakota and Minnesota chapters in February 2012, Hayden was making the point that if wildlifers are not involved in the political process, natural resource decisions will be made without the scientific facts.

I know from my own experience that Hayden was right. Decisions made by state and federal legislatures, appointed public officials, or administrators *are* political decisions—whether those decisions are partisan or not. If wildlife and natural resources professionals do not stand up and voice the science and the biology related to those decisions, on what basis will legislation be decided? Retirees can play a vital role in providing factual information and real life experience in wildlife management decisions. ■

Industrial traffic tied to North Dakota's thriving oil industry clogs U.S. Highway 85 just south of the North Unit of Theodore Roosevelt National Park. As a longtime biologist and conservationist, Mike McEnroe is concerned that regional wildlife populations could plummet as oil infrastructure expands.