

## Fishermen Find Body Of Sioux Falls Man

BRUCE (AP) — Law enforcement authorities in eastern South Dakota say two fishermen found the body of a Sioux Falls man in Oakwood Lake.

The Brookings County Sheriff's Office says the body of 73-year-old Martin Jepsen was found floating in the lake around 2:30 p.m. Monday.

The sheriff's office says the men noticed an empty vehicle when they were in the process of going fishing in the public access area on the south side of Oakwood Lakes State Park. They then saw the body about 20 feet from the shoreline.

Jepsen was pronounced dead at the scene after first responders were unsuccessful in their attempt to resuscitate him. The sheriff's office says foul play is not suspected, but an autopsy will be conducted to help determine the cause of death.

## Man Stole Bulldozer To Damage Building

RAPID CITY (AP) — A Colorado man is in custody in South Dakota after law enforcement authorities accused him of stealing a bulldozer and using it to damage a building and destroy a pickup truck.

Police in Rapid City say 21-year-old Justin Thornley of Empire, Colorado, was arrested Sunday on felony charges of destruction of property and aggravated grand theft.

Police say officers followed the bulldozer as it crossed a road traveling east into a field. They say Thornley also stuck electrical power poles and damaged concrete curbs while using the bulldozer.

Police say officers had to use a less-lethal beanbag shotgun, pepper spray and a stun gun as they tried to arrest Thornley.

Thornley also faces a misdemeanor count of obstructing a police officer. It's unclear whether Thornley has an attorney.

## Nonresident Waterfowl Licenses To Stay

PIERRE (AP) — South Dakota's Game, Fish and Parks Commission has once again declined to increase licenses for nonresident waterfowl hunters.

The commission on Friday refused a petition from the South Dakota Opportunity Group sportsmen's organization that advocated changes including increasing nonresident waterfowl licenses by 5 percent, the *Capital Journal* reported.

The petition came five months after the commission unanimously rejected several other proposed changes aimed at increasing the number of out-of-state waterfowl hunters in South Dakota. The proposals rejected in June were brought by a working group created as part of 2014 legislation that gave the commission authority over nonresident licensing for the first time in nearly 70 years.

"I'm not in favor of opening this issue up again," Commission Chairman John Cooper said.

Opponents of expanding nonresident waterfowl hunting believe it would degrade hunting opportunities for state residents. Proponents think it would pump millions of additional dollars into the state's economy.

"I believe we're benefiting everyone in the state with our proposal," said Norb Berrie, a member of the South Dakota Opportunity Group and also a member of the state working group.

Commissioner Paul Dennert said now is not the time to move forward with changes, considering that public comments during a 90-day comment period on the proposal rejected in June where overwhelmingly against expanding nonresident hunting.

## Giant Pumpkin Returned To Grower

SPEARFISH (AP) — A 100-pound pumpkin that was brazenly stolen from the yard of a South Dakota residence has been found and returned, after someone apparently tried but failed to turn it into a giant jack-o'-lantern.

Matthew Murraine's pumpkin was found in a rural area near Spearfish by another man who returned it to him last week. Whoever took it had tried to carve it, Murraine told the *Black Hills Pioneer*.

On Sept. 18, someone backed a vehicle up to Murraine's house and made off with one of the two large pumpkins he had been growing at his home all summer, after sawing through its stem. The bold theft drew national attention, which surprised Murraine.

"I was a little overwhelmed," he said. "I just wanted people in Spearfish to know."

The pumpkin required 20 gallons of water every four days and a gallon of milk each week for calcium. Murraine said it was worth about \$200 but that the value wasn't what he considered important. He followed his original plan and donated the pumpkin to a family with four children.

"It's funny how God makes things work out," he said.

## Man Arrested In Stolen Coins Case

GERING, Neb. (AP) — A Gering man has been arrested on suspicion of stealing \$1,500 to \$2,000 worth of coins and silver medallions.

Scottsbluff radio station KNEB reports that 46-year-old Alvaro Villanueva was arrested Sunday. Police arrested Villanueva at a Gering home after getting information he was involved in a Friday burglary and searching his vehicles and residence.

Police say they found \$300 in two laundry detergent containers in the bed of a pickup. Sheriff's Deputy Hackett says he retrieved \$1,400 from Villanueva, who was at the rear of the residence.

A receptionist at the Scotts Bluff County Jail said Tuesday that Villanueva had been released on bond. A phone number for him could not be found, and he does not have an attorney listed in online court records.

## Someone Pointed A Laser At An Aircraft

MITCHELL (AP) — Police in Mitchell are looking for the person who has pointed a green laser at an aircraft and officers.

Lt. Don Everson tells KORN-AM the incidents involving the laser have happened over the last several weeks.

Everson says someone has pointed the laser at officers in the vicinity of the softball diamonds near the Highway 37 bypass. But, Everson says, authorities are most concerned about the incident in which the laser was pointed at an aircraft west of Mitchell.

Laser pointers are legal and are commonly used in classrooms, but it's a felony to aim them at aircraft.

# Keystone XL Developer Seeks Different Approval For Route

BY GRANT SCHULTE  
Associated Press

LINCOLN, Neb. — The Canadian company that wants to build the Keystone XL pipeline is taking steps to circumvent one of the major roadblocks in Nebraska.

But in seeking approval Monday for the same contentious route through the state, TransCanada could create another round of lengthy delays in an already drawn-out process.

It also indicates a new push for the \$8 billion Canada-to-Texas oil pipeline in a state where opponents have repeatedly thwarted efforts to build the project. President Barack Obama has indicated that he may reject a federal permit for the project, as he did in 2012 when he accused congressional Republicans of setting an arbitrary deadline.

Former Gov. Dave Heineman approved the Nebraska route in 2013 under a state law that allowed TransCanada to use eminent domain against holdout landowners, but opponents sued and the project has been mired in state courts ever since.

The state's Public Service Commission, which regulates pipelines, taxis and

other "common carriers" used for transportation, offers another avenue for approval — one opponents have said they would have preferred the company use in the first place because the PSC can impose additional requirements. However, the PSC's eventual decision can be appealed.

TransCanada announced last week that it would withdraw its eminent domain claims to the land on the pipeline's proposed route and instead seek approval through the commission. Legal experts said the company may have decided not to risk a legal battle to try to uphold the 2013 pipeline-siting law, which the Nebraska Supreme Court allowed to stand by default in January. Opponents then filed a nearly identical lawsuit with landowners who were directly affected by TransCanada's use of eminent domain.

The case, which is set to go to trial Oct. 19, is widely expected to return to the state's highest court, and if it sides with the landowners, TransCanada would have to apply to the PSC anyway.

"The writing's kind of on the wall," University of Nebraska law professor Anthony Schutz said. "The

prospect of losing was significant enough that they probably looked at the tea leaves and said, 'Why don't we just go forward with that process now?'"

Landowners who sued to block the project are pleased with TransCanada's PSC application, but landowners attorney Dave Domina said they want the pipeline-siting law to be invalidated to eliminate any chance that company officials try to use it again.

Domina said the decision to withdraw its eminent domain claims will delay the project further, pointing to a state law that imposes a two-year waiting period on new eminent domain proceedings if the original one is abandoned.

Attorneys for TransCanada said that law doesn't apply, because the company withdrew its lawsuits against landowners before the proceedings were officially considered "abandoned" under state law.

"Those who believe continuous delay of this project is some kind of victory couldn't be any further from the truth," TransCanada spokesman Mark Cooper said Tuesday, also noting that the company will

"reinitiate" eminent domain proceedings "if necessary." Cooper said 91 percent of landowners along the Nebraska section of the route have agreed to easements, and that eminent domain is a "last resort."

The elected, five-member Public Service Commission — currently four Republicans and one Democrat — serves in a role more akin to judges than politicians. Members are forbidden from prejudging any project, and base their decisions on evidence presented by attorneys, such as a project's environmental impact, jobs created and support or opposition from local governments.

TransCanada announced the project in 2008 and has undergone repeated federal and state reviews, including a 10-month examination by the Nebraska Department of Environmental Quality. The pipeline would be built from Canada through Montana, South Dakota and Nebraska, where it would connect with existing pipelines in Steele City to carry more than 800,000 barrels of crude oil a day to refineries along the Texas Gulf Coast.

# State Waiting On Word From Feds About GEAR UP Program Future

BY JAMES NORD  
Associated Press

FLANDREAU — South Dakota is waiting for word from the U.S. Department of Education about the future of a Native American college-readiness program that's under scrutiny in part due to an investigation into an apparent murder-suicide, state Education Secretary Melody Schopp said Tuesday.

Schopp told an advisory panel on Native American student achievement that the state has asked its federal counterpart about transitioning the GEAR UP program to a new administrator.

The state had contracted with Platte-based Mid-Central Educational Cooperative to administer the program in South Dakota, which received \$10.7 million in federal GEAR UP funds over the last four years. Hours after the education department informed Mid-Central that it was losing its contract last month, employee Scott Westerhuis

apparently shot his wife and four children and then set the family home near Platte ablaze before shooting himself.

Schopp told the advisory council that the status of funding for this year's school year is unclear.

"We are waiting to hear from the U.S. Department of Education about the future of the grant itself in South Dakota, and that's the best answer I can give you at this point in time," she said of the program's future. A U.S. Department of Education spokesman didn't immediately respond to a request for comment.

Schopp was reluctant to speak at length about the program. The state Division of Criminal Investigation is looking into Westerhuis' personal finances and his management of the cooperative, where he served as business manager, as authorities search for a motive in the deaths.

Mid-Central was notified Sept. 16 that it had lost the GEAR UP contract, and Schopp cited financial problems

and failures to follow proper accounting procedures as reasons in a follow-up letter sent five days later.

State officials began seeking other partnership options for the grant when "fiscal accountability and management by (the cooperative) continued to be a concern," Gov. Dennis Daugaard said in a letter last week to the chairman of a legislative oversight committee.

Officials have discussed with the Board of Regents potentially turning over administration of the grant to Black Hills State University and the South Dakota School of Mines and Technology.

Some schools have signed contracts based on GEAR UP funding, according to Sherry Johnson, education director for the Sisseton Wahpeton Oyate.

"These are adult faults. These are adult problems, and the kids and their programs should not be penalized," Johnson said. "That was for them, it was doing what it should do."

# Regulations Could Prevent Wind Project

LINCOLN, Neb. (AP) — An attorney representing an energy company planning a wind farm in Lancaster and Gage counties said proposed regulations may prevent the project from happening.

Lincoln attorney David Levy, who's representing Volkswind USA, said regulations proposed in each county would make them "effectively off-limits" for wind energy developments. He told the *Lincoln Journal Star* that the

regulations go beyond protecting residents' safety and welfare.

Volkswind has said it plans to put up more than 50 turbines in the two counties. Levy declined to say whether it would continue with its project if regulations are approved.

Lancaster County Board chairwoman Roma Amundson said she doesn't like that Volkswind is trying to get officials to relax rules.

"I don't much appreciate a company coming in and going roughshod like that," she said.

The proposed regulations would set limits on turbine noise and minimum distances from nearby properties. Lancaster County Board could decide on whether to adopt regulations during an Oct. 20 meeting, while the Gage County proposals are still in the drafting stage.

In Lancaster County, the proposed setback for wind tur-

bines would be 1,000 feet from homes. Noise levels would be limited to 50 decibels during the day and 42 decibels at night.

Gage County Board chairman Myron Dorn said he's "comfortable" with the details of proposed regulations there. They call for a 40-decibel noise limit and a setback of roughly 1,980 feet, or four times the height of a wind turbine.

## OBITUARIES

### Lea Guthmiller

Lea L. Guthmiller, 107, of Yankton passed away Monday, Oct. 5, 2015, at Avera Sister James Care Center, Yankton.

Funeral services will be 2 p.m. Friday, Oct. 9, at First United Methodist Church, Yankton, with the Rev. Ron Johnson officiating. Burial

will be in the Garden of Memories.

Visitations will be 5-7 p.m. Thursday, Oct. 8, at Opsahl-Kostel Funeral Home & Crematory, Yankton, with the family present and then one hour prior to the service at the church.

For online condolences, go to [www.opsahl-kostelfuneralhome.com](http://www.opsahl-kostelfuneralhome.com).

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