

TO: Minnesota Senator's and Representative's

Subject: Companion bills currently in the MN Legislature, SF 1303 and HF 1406

I have been watching these two companion bills go thru a number of committees and various revisions. I want you all to be aware of "Section 23 Bear Feeding" in the current SF 1303 (3rd engrossment version). At this moment the companion bill in the House HF 1406 has this section removed. Thank- you House of Representatives.

Basically "Section 23 Bear Feeding" in SF 1303 prohibits all Minnesotan's from feeding wild bears. At first, this might sound like a reasonable thing to do, but how would this be implemented, monitored and most importantly why is this being proposed in this state now.

This section begins with "a person may not place, deposit, or allow the placement of feed to attract bears." How is it that a resident is able to determine what a bear will eat? In poor wild food year's wild animals, wolf, fox, deer and bears will do what is needed to survive in the wild. Bird feeders, garbage cans, fish entrails left by fishermen can all become a source of food for any of the animals I just mentioned.

When a person leaves food out on their private property, must they watch it constantly to make sure a bear does not approach? Yes that sounds silly, but this section also says that if a bear eats the food the resident must remove all food for a minimum of 30 days. Who is going to police that? The resident themselves, the neighbor who may have seen the bear eating the food when the actual resident was away from the residence working? Will the MN DNR need additional field staff to monitor this all around the state of MN?

If you have bird feeders (wildlife feeders) on your private property that will be OK, only if the feeder is of a specific height, proper device, and of certain structure to prevent access by a bear. What does that mean? Will residents have to purchase new wildlife feeders? Any bird seed that falls on the ground can be eaten by ANY wild animal, bears included. In fact, most commercial bird food is a bear attractant. The wild animal does not know the food they find on private property is NOT for them.

What does this section mean “Feed is present solely as a result of normal agricultural, forest management, or wildlife food planting practices?” I have a number of acres in Northern Minnesota that is all wild. Can’t I plant wild foods, wild grasses, plants, trees to maintain its natural beauty? I care about the wildlife and my property value. What would be prohibited and what would be acceptable?

Why is this section on bear feeding being proposed now by the MN DNR?

Is it because the state of MN has too many bears? NO.

In fact, based on the DNR’s own numbers they estimate that the state has between 10,000-15,000 bears. This number has gotten so low that the MN DNR is reducing the number of bear hunting permits. The state at one time, per the MN DNR estimates, had 20,000 bears or more.

Is it because the MN DNR has had too many nuisance bear complaints in the state, or deaths related to bears? NO.

In fact the MN DNR really does not know the answer to this question, at least as of May 27, 2014 per Administrative Law Judge Tammy Pust, (case OAH 84-2001-30915). This case is public record on the Minnesota Office of Administrative Hearing web site. (Decision dated May 27, 2014 by Judge Pust).

This was a case of MN DNR vs Dr. Lynn Rogers concerning the questions” I quote: “Whether Dr. Rogers is exercising sufficient possession and control of the study bears such that he is required to obtain and maintain a permit under Minn. Stat. 97A.401, subd.3 (a); and if a permit is required, whether the Department had sufficient cause to refuse to renew Dr. Roger’s permit effective July 31, 2013.” This case was not about public safety as the MN DNR has tried to turn it into.

In the Judges Final decision here is what she said about the quality of the MN DNR’s bear logs in the state of MN. (All quotes from the Judge’s decision).

“First, the Court found that many long term resident of Eagles Nest do not

report problems with nuisance bears. “(L)ong-term residents of Eagles Nest Township, some of whom feed bears on their property and others who do not, reported no changes concerning or difficulties with the bears in the midst of their community. These residents denied that there is, or has been, a problem with bears in Eagles Nest Township and deny having any safety concerns related to bears.” (184.)

“Second, the Court found that the habituation of bears may not cause a public safety issue: “(R)easonable people can and do differ regarding whether the many habituated bears present a significant public safety concern in and around the community.” (Memo. at p. 65.)

“Third, the Court noted that Dr. Rogers’ work has been peer reviewed and the peer review determined that Dr. Rogers’ work did not create public safety issues: “Dr. Rogers asked three other researchers to review his research protocol: Dr. Jan Tate: Steve Stringham: and Dr. Terry DeBruyn. All three found that Dr. Rogers’s study presented no public safety issues.” (156, n. 251.)

“Moreover, the Court determined that the DNR’s nuisance bear complaint records, which the DNR relied upon to argue there was a public safety issue, were inaccurate, incomplete, and inconsistent:”

“The Department’s records related to nuisances bear complaints are incomplete, inconsistent, and in some instances, inaccurate.” (146.)

“On at least one occasion, DNR staff recorded a nuisance bear log entry that was not initiated by a member of the public intending to file a complaint. In another instance, DNR staff added information to nuisance bear complaint years after it was initially reported.” (n.242.)

“As a result of substandard record-keeping, the DNR’s data is of minimal value with regard to conducting a comparative analysis of either the quantity or quality of bear-related incidents or nuisance bear complaints experienced by the public in Eagles Nest Township or elsewhere in Minnesota.” (147.)

The Legislature should not rely on incomplete, inconsistent and in some instances, inaccurate records to pass this Section 23 (currently in SF 1303,

3rd engrossment) Feeding Bears into law.

Judge Tammy Pust further stated in her decision that, and I quote “Dr. Rogers can continue to study bears in Minnesota. He can continue to feed bears and run Bear Field Study Courses to educate the public about these magnificent creatures, Dr. Rogers can continue to record bear weights at the WRI aided by feeding, as this activity requires no handling of the bears.”

THIS IS THE REAL REASON THE MN DNR WANTS THIS SECTION 23 FEEDING BEARS TO BECOME LAW NOW!

This Section, Feeding Bears is not about the bears, but about something much different.

Of course, Judge Pusts’ complete decision is public record and can be found at the Minnesota Administrative Law web site (case OAH 84-2001-30915, Dated May 27, 2014.)

This decision is currently being appealed and is in the MN Court of Appeal.

Thank you for your time in reading my concerns.