

Minnesota Department of Natural Resources

500 Lafayette Road · Saint Paul, Minnesota · 55155-4037

Office of the Commissioner

651-259-5555



January 31, 2012

COPY

Dr. Lynn Rogers
Wildlife Research Institute
1482 Trygg Road
Ely, Minnesota 55731-8027

Dear Dr. Rogers:

I have reviewed your response to my November 2011 letter and have consulted with my staff regarding your 2012 permit. Attached is your 2012 research permit to conduct research in the Mud Creek study area. I have outlined below some of the changes to your previous permit. This year's permit expires on November 30, 2012. This will allow the Department of Natural Resources to consider a future permit before den cameras have been placed.

This permit limits den visits to once per week and will cap the number of dens that can have cameras at two. As I have mentioned previously, making internet and television "celebrities" out of research animals creates issues and places a burden on the public, hunters, and the DNR. If there is a recurrence of past problems, we will place future conditions on your permit or revoke it entirely. This permit allows you to collar up to 15 bears but does not require that a specific frequency be assigned to individual research animals. Your response to my earlier letter adequately explained why that is not feasible. The permit does require unique identifying markings for all bears that can be clearly read at a distance and collection of hair samples from each bear for DNA identification, as you agreed to in your response.

As stated in condition Number 8 of this permit, you are assuming all risk and liability for the methodologies you exercise under this permit. In particular, I am concerned about the evidence I have seen (pictures and videos, as we discussed) of direct interactions of study bears with children and adults that you in the past have apparently encouraged. No direct contact by the public with study bears is authorized under this permit. Any failure by you to notify the DNR regarding "any direct contact with a person by a study bear other than those allowed in condition Number 9, any injuries to persons resulting from the permitted activities, or personal injuries from any study bear" will be a violation of the conditions of this permit. Contact includes any and all contact between individuals and study bears. If a study bear touches a person in any way, you must notify a conservation officer as directed in the permit.

You also noted in your summary that over 650 people have hand-fed bears since 2003. I reiterate that this type of contact by the public with study bears is unacceptable and is not authorized under this permit. This type of interaction is not "research", and puts the public in unacceptable danger. Permit condition Number 9 clearly states that under no circumstance will anyone but you or Ms. Mansfield and four specifically named associates hand feed study bears. Failure to follow this provision will result in immediate revocation of your permit. By February 15, 2012, please send your list of the four named associates to Dr. Lou Cornicelli, DNR Wildlife Research Manager, at lou.cornicelli@state.mn.us.

Your research plan update makes at least 15 references to publishing in a peer-reviewed journal. The data you are collecting has no value for use by other wildlife researchers or managers until it has been published in the peer-reviewed, scientific literature. Based on your statements, I believe it is reasonable to see at least 2 articles submitted for publication during this permit period, and at least 2 publications per year thereafter. Failure to get the results of your work published in established scientific journals makes it increasingly difficult to justify continuation of a research permit.

It is essential that the safety of the bears and the safety of the public are ensured in conducting this research. Further, to justify continued research, it is important that you make an effort to publish your findings. As long as these conditions are satisfied, the DNR can justify providing an annual research permit.

Finally, we will continue to issue the permit to one individual, the primary researcher. If your status changes we will consider an application from another permittee.

Thank you for your consideration.

Sincerely,



Tom Landwehr
Commissioner

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TJL/LJC/jls

Attachment

Copy: Mr. Edward K. Boggess, Director, Division of Fish and Wildlife
Colonel Jim Konrad, Director, Division of Enforcement

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FISH AND WILDLIFE
500 LAFAYETTE ROAD – BOX 20
SAINT PAUL, MINNESOTA 55155-4020

Special Permit No. 16868

(Capture, handle, radio-collar, and monitor for research purposes and public education)
Minnesota Statutes 97A.401, Subdivision 3

February 1, 2012

COPY

TO WHOM IT MAY CONCERN:

Permission is granted to:

Dr. Lynn Rogers
145 West Conan Street
Ely, Minnesota 55731-1141
218-365-4480
lrogers@bearstudy.org

to conduct a pilot research study of black bears and black bear public education on the Mud Creek study area (10 mile radius from the Northwood Research Center, SW1/4 of SW1/4 of Section 22, T62N, R14W), subject to the following conditions:

1. Permittee may pursue, capture, temporarily possess (handle), and place radio collars on up to 15 black bears (study bears) within the Mud Creek study area. The study bears shall not be possessed longer than necessary for scientific handling and shall not be kept in captivity. These study bears may be monitored telemetrically, visually, and by camera as necessary to collect scientific data, both within and outside the Mud Creek study area.
2. Bears must be captured and handled in a safe and humane manner.
3. Permittee must collect a hair sample with follicles from each marked bear in this study. Hair sample should be of sufficient quantity to conduct DNA analysis and must be submitted to the Forest Wildlife Research Group Leader in Grand Rapids within forty-eight (48) hours of collection.
4. Bears must also be marked with collars that include a unique combination of no more than two numbers and/or letters that can be clearly seen and identified from at least 50 feet.
5. Bears may be injected with ketamine hydrochloride, xylazine hydrochloride, or Telazol. If bears are injected with xylazine hydrochloride, yohimbine may be used as an antagonist. Ketamine hydrochloride shall not be used on bears from 30 days prior to the opening of the 2012 Minnesota bear hunting season through the end of that season, and Telazol shall not be used from 10 days before the opening of the 2012 Minnesota bear hunting season through the end of that season. Antibiotics and other medical treatments may be administered under the direction of a licensed veterinarian.
6. Only the Permittee, Sue Mansfield, and the 4 associates named in condition number 9 may capture and handle bears provided they have in their possession a written authorization from the Permittee and a copy of the permit.
7. Permittee shall immediately report the death of any study bears to the local Department of Natural Resources (DNR) Conservation Officer. Deceased study bears shall be immediately surrendered to the DNR or otherwise disposed of as instructed by the Conservation Officer.

8. Permittee shall be solely responsible for any and all damage or injury to persons, domestic or wild animals, and real or personal property of any kind resulting from any activities undertaken pursuant to this permit. Any direct contact with a person by a study bear other than those allowed in condition number 9, any injuries to persons resulting from the permitted activities, or personal injuries from any study bear must be reported to the local Department of Natural Resources Conservation Officer within forty-eight (48) hours.
9. Under no circumstances shall anyone other than the Permittee, Sue Mansfield, and 4 associates whose names shall be provided by February 15, 2012 (and will not change throughout the duration of this permit) hand feed study bears. This prohibition includes individuals participating in bear field study courses and any individuals participating in any public or private events being conducted under this permit.
10. Permittee shall hold the Department of Natural Resources, its officers, agents, and employees harmless from any and all liability and damages resulting from any activities undertaken pursuant to this permit.
11. Permittee shall provide by November 1, 2012, a complete and detailed report of all activities carried out under this permit. The report shall include but not be limited to a description of all handlings of study bears.
12. All radio-collars used on these study bears must be a breakaway design.
13. When a study bear is radio-collared, the radio frequency must be reported to the Forest Wildlife Research Group Leader in Grand Rapids within forty-eight (48) hours. All changes in frequencies of radio-collared bears, dropped radio collars, and collars that cease functioning must be reported within forty-eight (48) hours to the Forest Wildlife Research Group Leader in Grand Rapids.
14. Dens may be visited no more than once per week. No more than 2 dens may contain cameras under this permit. A record of all den site visits by Permittee including dates and times, will be included in the November 1, 2012 report, and made available to the Department of Natural Resources at other times, on request.
15. All study bears radio-collared under this permit remain under the jurisdiction of the State and are subject to all provisions of the Game and Fish Laws (e.g., Minnesota Statutes [MS] 97A.037, MS 97B.411, MS 97B.415), including removal to protect property and removal by Department of Natural Resources or other public safety officials if it is determined that a bear constitutes a public safety or property hazard.
16. This permit is valid from date of issuance through November 30, 2012. Failure to follow the conditions of this permit may result in revocation at any time.

Edward K. Boggess, Director
Division of Fish and Wildlife

 **COPY** 1/30/12

- c Lieutenant Colonel Rodmen Smith, Assistant Director, Division of Enforcement
Captain Ken Soring, Northeast Regional Manager, Division of Enforcement, Grand Rapids
Mr. Dennis E. Simon, Chief, Section of Wildlife, Division of Fish and Wildlife
Mr. Jeff Lightfoot, Northeast Regional Manager, Division of Fish and Wildlife, Grand Rapids
Mr. Tom Rusch, Area Wildlife Manager, Tower
Dr. Lou Cornicelli, Wildlife Research and Policy Manager, Division of Fish and Wildlife
Dr. Mark Lenarz, Group Leader, Forest Wildlife Populations and Research Group, Division of Fish and Wildlife, Grand Rapids