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December 28, 2011

Tom Landwehr, Commissioner  
MN DNR  
500 Lafayette Road  
St. Paul, MN 55155

Subject: Issues of Trust

Dear Commissioner Landwehr,

We are encouraged by your expressed desire to work with us and educate hunters about the values of radio-collared bears. We welcome those thoughts and hope it is a new beginning—a step toward trust and mutual cooperation. As you may know, there are issues of trust that need fixing—especially now that they relate to present discussions. We hope you will take what we say below as a constructive beginning toward mutual cooperation.

We want to believe DNR officials are knowledgeable, forthright professionals who base decisions on data rather than rumor, opinion, and personal vendettas. The issues summarized below strain those beliefs. I have made mistakes, too, and some officials personally do not like me for whatever reasons, but things should not be like they are (see below). We are doing the top behavioral work on bears in the world at no cost to the state. I respect your knowledge, and I would hope for the same respect back. We hope you can help. We would much prefer to talk face to face, and we look forward to that. We also look forward to showing you bears and making progress on all of this.

1. **A damaging rumor started by DNR Lt. Bill Spence.** Rumors can do great harm, especially if the agency that starts the rumors believes them and acts on them. DNR Lt. Bill Spence started a rumor in 1992 that we believe is influencing DNR decisions today. The rumor was in the newspapers back then and was mentioned in the Minneapolis Star Tribune as recently as this past summer (2011). It spread to friends of Dave Garshelis in the International Bear Association and beyond. It became a fun “fact” to know and tell when someone sees me on TV or hears something nice about me. I had to respond to the rumor as recently as December 6, 2011, when a past president of the International Bear Association stated it as fact to one of our supporters. Hunters use the rumor as reason to shoot radio-collared bears and teach me a lesson. Not long ago, I was talking with Ely’s Roger Heinz when he shook my hand, saying, “I’m glad to know more about you. I’ve hated you for years for what you did to those cubs.”

**The rumor is that I routinely euthanize male cubs with drug overdoses so they won’t compete with female littermates that are more valuable to our research—and then sell the carcasses.**

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Could this rumor be why DNR Enforcement took little Jason's carcass for testing and recently ordered us not to touch carcasses until they are checked and possibly confiscated by a Conservation Officer? That order destroys our ability to conduct necropsies with the U of MN Veterinary Diagnostic Lab before deterioration sets in.

How did the rumor start?

Back in 1992, my recommendation for sustainable management of the last 2% of Minnesota's white pines didn't go over well with USFS Chief Dale Robertson and Deputy Chief George Leonard. Thirty-three days later, their office started an "investigation" to find a way to fire me by any means, truthful or not. USFS investigators asked the DNR for help in securing a search warrant for my house.

Three years earlier, on April 10, 1989, I had humanely euthanized 2 abandoned, starving cubs that had no chance of survival. No zoo, rehab facility, or wild mother could take them. Ironically, they were abandoned because I complied with a joint request from the MN DNR and MI DNR. When I found the abandoned cubs, I had a choice—let them starve and be wasted, or humanely and painlessly euthanize them with an overdose of tranquilizer and make sure their carcasses are used for educational purposes. I had them transferred to the Science Museum of Minnesota for their bear exhibit.

The USFS investigators saw my humane act as an opportunity to obtain a search warrant. They asked the MN DNR to charge me with "taking" the cubs out of season. They knew full well I hadn't broken any law and could not be convicted. I had a permit that allowed "taking" any time. But if the DNR would issue a ticket anyway, the search warrant could be obtained. I'm sure the USFS investigators didn't tell Lt. Spence there was no humane alternative for the cubs. Lt. Spence issued the ticket. About a week later, on April 6, 1992, eight conservation officers spent 6 hours confiscating many items from my house that were unrelated to euthanizing the cubs three years earlier.

That wasn't enough for Lt. Spence. He obviously disagreed with my decision to euthanize the cubs. He twisted the allegation from a humane act to a cold act of removing male competitors for money. That last twist (money) was because, as a long-time advisor to the Science Museum of Minnesota, I received the same honorarium paid to other advisors. I turned my honorarium over to the nonprofit Wildlife Research Institute with the knowledge and blessing of the USFS (my employer).

Dave Garshelis provided "evidence" for the prosecution. He graphed cub weights using data I had given him several years earlier to aid his research. He stated that the graph showed the euthanized cubs could have survived. But he neglected one fact—the cubs had no mother. No cub of any size has ever been known to survive in the wild without a mother when they are just leaving the den at 2 ½ months of age (April 10, 1989).

Once a ticket is issued, even a bogus ticket, the wheels of justice turn slowly. I had to go through 11 months of bad press before the case was dismissed on March 4, 1993.

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The DNR seems to believe its own rumor. When I asked for a research permit on March 17, 1994, Commissioner Rod Sando denied it because the DNR had “just been in litigation” against me! When I applied for a permit in 1999, Enforcement opposed it (along with Garshelis, as documented in Commissioner Allen Garber’s memoirs published in 2010). In spring 2011, when Jason became the first male cub carcass we were able to recover since the case, Enforcement did something unprecedented. They stepped in and confiscated the body for testing. They returned the next day to collect the innards on direct orders from you, we are told, showing that Enforcement had found a sympathetic ear. CO Payton followed up with a written order that we are not to touch carcasses of research bears before they are examined by a CO.

The DNR does not interfere like this in any other research we know of.

What finally happened in the U. S. Forest Service “investigation?” Thankfully, people who knew me stepped forward and helped. Witnesses who had earlier been intimidated into signing affidavits written for them by USFS investigators wrote their own affidavits in my defense and/or called and told me they would testify for me in any trial. Ninety-four co-workers raised \$13,000 for my legal defense. AFSEE and pro bono attorneys across the nation stepped forward to defend me. Journalist Charles Kuralt told a USFS Congressional Liaison official that CBS 60 Minutes was very interested in what the USFS was trying to do to Dr. Lynn Rogers. The Civil Service Administration announced that the “investigation” would be moved out of USFS jurisdiction to a Civil Service adjudicator who would judge whether I should be fired or the USFS should be punished for whistleblower harassment. At that point, the USFS ended the “investigation,” expunged all allegations from my record, paid my remaining \$27,605 attorney fees, and returned the white pine data they had confiscated. On April 21, 1996, the Minnesota Wilderness and Parks Coalition selected me as their environmental hero.

Meanwhile, DNR Enforcement continues to act on the cub rumor they started.

*There is a need for a provision in our permit authorizing salvage of carcasses for scientific and educational purposes. There is also a need for your help in quelling the rumor and stopping Enforcement from acting on it. We are hoping for help similar to the what Commissioner Allen Garber gave in 2001 when Tim Bremicker, Mike Don Carlos, and Dave Garshelis placed unreasonable restrictions on our research. He ordered them to stop interfering and give me a research permit like they would anyone else.*

- 2. Other DNR rumors since 2006 have angered hunters and become the subject of blogs offering rewards for shooting radio-collared bears.** That’s why we were delighted to hear you say you wanted to help educate hunters about the values of research bears.

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What are the rumors? In 2006, CO Starr told hunters we aren't learning anything people don't already know and "we hunters have to stick together" against these researchers that put fake collars on bears so they won't be shot. He claimed that we radio-collar bears simply to keep hunters from shooting them. Starr said he was part of a larger DNR "agenda" against us. He reported in Outdoor News and Outdoors Weekly that we "treat hunters poorly," which is untrue. The truth is that we bend over backwards (with one exception below) to treat hunters well and make them our allies. When I asked Captain Soring for any example to back up the published report, I received none.

Prior to 2006, hunters had told us CO Dan Starr had a bad attitude about us. Actually, Starr knew little about our research. We had barely met him, and he had ignored our invitations to join us and see what we do.

Where did CO Starr get his attitude about us? A hunting leader suggested it might have come from CO Ken Schlueter who was notorious for his efforts to discredit us, ticket us, and end our research.

In 1979, I was happy when CO Ken Schlueter seemed to take an interest in my work. He'd sit in my office at the USFS Kawishiwi Field Lab for hours while my female interns came and went. I introduced them to Ken, who was single, and Ken joined in the fun. He tried to date each of them, they said, and they all turned him down. After that, Ken no longer sat in my office and began targeting my interns for tickets. He'd drive in, look around, not say anything, and drive away. When we were out in the field, he'd drive in and check inside buildings and disgustedly tell Ely residents how we irresponsibly leave lights on, doors unlocked, and pots simmering with no one around. When we began a moose project, Ken told me it would be unsafe for the female interns to dart moose and he would ticket somebody for something if he caught them doing it. Sometimes he watched with binoculars from the bridge. When intern Julie Hanson tried out her new canoe on the Kawishiwi River, Ken gave her a ticket for no life jacket. When intern Diane Boyd tried trapping and caught her first animal, Ken ticketed her for not properly affixing the tag. Ken followed a male intern on his trap line and ticketed him for checking a trap 10 minutes after the legal time. All paid their fines without a complaint, of course.

I became his target. Over the next decade, as new assistants joined me, Ken would question them and have them write affidavits. Ken would then make accusations that took valuable time away from my research to clarify.

His pattern came to a head in early 1989. In January 1989, Ken got my assistant Greg Wilker out of class at Vermilion Community College and became threatening in his questioning about my research. Greg said it's pretty intimidating when a guy as big as Ken gets angry. Greg said Ken seemed to think Greg was holding something back, which he wasn't. Shortly, I got a call from the Isabella District Ranger (USFS) warning me that Ken had questioned him about a live trap in the BWCA and was trying to make a case against me for littering. A day later, the USFWS Special Agent in Duluth called to

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warn me that Ken was waging a personal vendetta. On February 6, 1989, two CO's stopped by my office to warn me that CO Schlueter had stood up in a CO meeting and said his "goal for 1989 was no longer to give Lynn Rogers a ticket but to get his research permit." I could only guess why he was targeting me. I was never disrespectful to him. I had always tried to get along and include him in the fun at Kawishiwi Field Lab.

I called DNR Region I Administrator John Chell for advice. He had Captain Craig Backer call me from Grand Rapids the next day (February 7, 1989). We talked nearly 3 hours. Craig asked if I could bring Greg Wilker to Grand Rapids to sit down with him and CO Supervisor Ron Smith. We met the next day. CO Schlueter waited outside. At the end of our meeting, Captain Backer had CO Ken Schlueter come in. Ken was submissive and nearly in tears. Craig and Ron sternly told him to do his job as a professional.

Ken only partly got the message. He stopped gathering affidavits but shifted his campaign of disparaging remarks to officials in St Paul. We wonder how many people he influenced there. Did his attitude influence Lt. Bill Spence to issue the bogus ticket in 1992?

I actually feared CO Schlueter more **after** our meeting with Captain Backer and CO Smith on February 8, 1989. I knew how he worked. I knew he had said "people who file complaints on me live to regret it" to Vic Gunderson of Roaring Stony Resort after Vic reported a similar vendetta to Schlueter's supervisor 3-4 years earlier (federal appeals case 904 F.2d 407). I remembered Schlueter's words that he "would ticket somebody for something" when he disagreed with letting my female interns dart moose. Euthanizing the cubs was just 2 months after our meeting with Captain Backer, and I worried that CO Schlueter would "ticket somebody for something" if he disagreed with my decision. I made an error in judgment and hid from CO Schlueter the fact that I euthanized them, creating an appearance of guilt.

For the record, we are not anti-hunting. In 1971, I worked with legislators, DNR Wildlife Chief Roger Holmes, and Richard Anderson, president of the Minnesota State Archers Association, to elevate bears to big game status. I wrote the initial bear hunting regulations and presented them at the DNR's 1971 season setting session at the request of Fish and Wildlife Director Dave Vesall. Commissioner Robert Herbst wrote a letter of appreciation. I introduced baiting, which was controversial at first. In 1975, when there was a bill to eliminate baiting, I was supposed to testify but got missed. The Senate Environment and Natural Resources Committee voted to end baiting. I asked to speak. They gave me 5 minutes. At the end, Senator Dunn moved to revote. The vote was unanimous (except for the Chair) to keep baiting, and we still have it today. Major sponsors of my research over the years include the NRA, Boone and Crockett Club, National Wildlife Federation, Wildlife Management Institute, Big Game Club, Minnesota State Archers Association, Wisconsin Bear Hunters Association, Wisconsin Fox and Coon Hunters Association, Sibley Sportsmen's Club, Northern Minnesota Sportsmen's

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Club, Southern Minnesota Sportsmen's Club, and the Minnesota Department of Natural Resources.

*There is a need for action at the Commissioner level to quell DNR rumors and change attitudes that bias enforcement against our research and undermine efforts to educate hunters about the values of research bears. We ask if those attitudes are in any way behind the provisions proposed in your letter of November 17, 2011.*

- 3. Enforcement illegally withholding a critical document to win a case against me.** On November 28, 2006, CO Dan Starr, acting on orders that were part of a larger "agenda," as he told hunters, charged me with hunter harassment for an incident that was a simple disagreement with a hunter I had helped drag a bear out from the same place before. The hunter was part of a hunting group and family that had visited the Research Center many times in the previous 3 years. Some members of the group fell in love with the bears. Others scoped out the bears there, scouted the surroundings to see where the bear trails converged before entering the feeding area, and set up baits to target those bears.

On September 2, 2006, when Sue Mansfield and I walked over according to our agreement with the hunting group to identify harvested bears, the hunter noticed Sue trying to hide her tears over the death of the bear she had spent a lot of time with. He mocked her, later telling the Minneapolis Star Tribune, "It was a pretty silly sight to see a grown woman crying over a dead bear." I didn't think my graduate student needed to be mocked just then and said so sharply.

I was charged despite the fact that DNR officials knew the hunter was not hunting legally. They knew that because on September 6, 2006, CO Stage had rightly filed a report that hunter Kevin Nathan's bait registration was "vague and incomplete." The report was reviewed by Lt. Elaine Loeffler on September 28. After CO Starr charged me on November 28, I requested all related documents and discovery. I received everything except that one document, which they illegally withheld until March 21, 2007. Meanwhile, I went through hearings, was portrayed as a hunter harasser in the press, and saw hunter blogs go wild advocating the killing of radio-collared bears to teach me a lesson. When the DNR finally released the document to me, the case quickly ended.

There was extreme bias in the DNR decision to ticket me for hunter harassment when they knew it was not. According to the hunter harassment law, a hunter must be hunting legally, there must be intent to harass, and the hunter must be taking or preparing to take. In fact, the hunter had not properly registered his bait, my intent was to help not harass, and the bear was already dead. Beyond that, we learned from pro bono attorneys and a sitting judge who stepped up to help, that even if the hunter had been hunting legally, it was illegal for the DNR to extend the law for an indefinite period after the "taking." Indefinite extension makes laws void for vagueness. It was simply a disagreement about his mocking Sue.

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Although I was not found guilty, the DNR sullied my reputation and took a huge amount of time away from my making the North American Bear Center opening the best it could be. The case left me with a helpless sense of injustice.

I felt the bias against me again on August 14, 2007, when I met CO Starr's supervisor, CO Supervisor Greg Payton. He was in a chair at an Eagles Nest Town Meeting. I noticed his uniform, extended my hand, and told him my name for a friendly introduction. He withheld his hand, looked up at me without expression, and said for the room to hear, "You should have been convicted for hunter harassment!" and looked away to ignore me. With that attitude, it is hard to believe he was not part of the larger "agenda" Starr mentioned. Was his personal bias the reason for his letter preventing us from conducting timely necropsies? Are the attitudes of CO Payton and CO Starr the reason they failed to make an arrest when Big Harry was shot in front of BBC cameraman David Wright in the summer of 2008 and David saw the person running away while Curt Conn stood in his driveway pointing at the person? Are their attitudes behind the provisions toward eliminating radio-collared bears?

*There is a need for your help in ending bias against our research based on rumors and misconceptions that extend to officials I've never met. Their statements undermine our research and efforts to educate hunters about the values of research bears. We concur with the Eagles Nest Community Bear Committee report "Living with Bears in Eagles Nest Township" that there is a need for cooperation between the DNR, research, and Eagles Nest Community on bear issues.*

- 4. Inconsistent support and lack of communication.** We felt encouraged on March 1, 2001, when Tim Bremicker offered to ask hunters not to shoot radio-collared bears (and said the DNR would consider making it illegal if asking didn't work). However, in several years, DNR press releases mentioned only DNR bears—not our research. Four radio-collared bears were killed during 2005-2008.

In 2009, top DNR officials saw that more was needed to protect radio-collared bears and sent a letter to each bear hunter in our study area. No radio-collared bear was shot.

Legislators also noticed that additional protection was needed. In spring 2010, the chairmen of the Senate and House Environment and Natural Resources Committees (Senator Chaudhary and Representative Dill) worked together writing protection bills. However, when the Minnesota Bear Guides Association asked us to pull the legislation and work with them to educate hunters about the values of radio-collared bears, we complied. We thought help from the guides and letters to hunters from the DNR would make legislation unnecessary. However, without a word to us, the DNR decided not to send the letters in 2010, and 2 radio-collared bears were killed.

Legal protection appeared to be necessary. The Minnesota Bear Guides Association concurred. They emailed a statement saying that asking hunters had not worked and that protection was needed. Many hunters felt the same, especially those who had passed up

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radio-collared bears only to have them legally shot at the next bait pile. Hunters and businessmen told us that simply asking hunters to spare radio-collared bears was not fair to responsible hunters and to the business owners who need the economic benefits the research bears bring to the region. They said if we didn't want radio-collared bears shot, make it illegal.

We considered legislation in 2011, but hunter James Doerr threatened to do whatever he could to fight against protection and hurt us if we went down that slippery slope. Many preferred a commissioner's order because it would leave control in DNR hands, and it had been used to temporarily protect our study area in 1991 when USFS Deputy Chief George Leonard requested it.

We pursued a commissioner's order and tried to meet with you and give you strong ammunition (letters and facts) to support it. You had Ed Boggess tell me you didn't have time to meet with me. Later, you called and said you didn't consider it your role to make such an order and sent us to the legislature, giving us no inkling that you would strongly oppose protection there. When the Minnesota Bear Guides learned you were against protection, they opposed it, too. Legislative leaders said they would not act without a public outcry (letters and calls).

We and thousands of supporters wasted a lot of time and energy. Hunters who opposed protection were heard. An overwhelming number of supportive hunters and non-hunters were left asking why they were ignored if bears belong to all Minnesotans.

In the process, DNR rumors and non-supportive statements about our research became the subjects of hunters' blogs advocating killing radio-collared bears.

We much appreciated that you came through with your letter asking hunters not to shoot radio-collared bears. No radio-collared bear was shot, and James Doerr was the only hunter who hunted close to the Research Center.

*There is a need to continue the DNR letters to hunters and to bolster those letters with words and actions that show the values of the research and the radio-collared bears. We still believe, of course, that protection of radio-collared bears would benefit state bear research and ours, as well as benefiting the region economically from all that the radio-collared bears bring to the area. However, we are not pushing legal protection and will go along with whatever works to spare radio-collared bears.*

**5. DNR Wildlife Manager Tom Rusch falsifying bear complaints, blaming research for bear problems, and urging residents to seek a township resolution to end our research.**

This relates directly to our current discussions. What led up to it? After we saw a newspaper article about Eagles Nest Community having fewer bear problems than other



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areas, we checked with then Wildlife Manager Fred Thunhorst. Fred knew bears and was highly respected throughout the region. We found that he kept perhaps the best records of nuisance complaints in the state. He gave us full access. We learned that Eagles Nest Township indeed had fewer complaints and that no one had been attacked in Eagles Nest Township in the nearly half century since feeding and habituation began in 1961—all contrary to widespread beliefs. We wanted to know more.

Fred retired and Tom Rusch took over in 2003. On November 30, 2005, Tom met with Sue Mansfield and me at the Research Center. Tom immediately told us he didn't like feeding in his management area and said that feeding creates nuisance problems and makes bears aggressive. He seemed unaware of the nearly half century of feeding in the study area. He seemed unaware that we were studying the effects of it and had not started it. He seemed unaware of DNR data and USFS data showing the effectiveness of feeding in reducing nuisance complaints.

He made common statements about fed bears that we knew to have no scientific basis. We said we used to think the same things before the USFS 8-year experiment in diversionary feeding reduced problem 88% at the Kawishiwi Campground and before we saw the DNR data about Eagles Nest Community.

We said there hadn't been a complaint from the community in 8 years. Tom took major issue with that. He said people were probably afraid to complain because of the research. We didn't see how that could be—more likely they didn't complain because they were used to seeing bears that didn't cause problems. The only two complaints from Eagles Nest Township in the previous 10 years were for a bear at a bird feeder in 1996 and for a young bear looking in the same person's window in 1997—minor problems compared with the house break-ins that were a significant percentage of problems elsewhere in the region, and the attacks that had occurred elsewhere in the state.

We didn't realize how far Tom would go to support his beliefs. We wondered why complaints jumped from zero in the previous 8 years to 21 in the next 2 years, with the first of those registered on December 12, 2005, just 2 weeks after the meeting (bears were hibernating). We wondered why Tom blacked out the names and addresses for us on all complaints registered after the meeting.

We heard the answers to those questions in a meeting with Eagles Nest residents on September 6, 2007. Tom announced that anyone from Eagles Nest Township who called him about anything was asked about bears. If what they said sounded like a problem to him, he wrote it up as a complaint. That was a major problem for us. Complaints had to be from the residents, not something to bolster the wildlife manager's beliefs. Attitudes of residents and how they change as they learn to coexist are part of the study. His blacking out the names and addresses made it impossible for us to separate legitimate complaints from falsified ones and made all complaints after our November 2005 meeting useless as scientific data.

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The exception was the very first complaint, filed December 12, 2005. The identity of the “complainant” was determinable, and it was our nearest neighbors Darnell and Bonnie Stage. We knew they enjoy seeing bears and that the only thing they would complain about is that they saw fewer bears after we started feeding. We showed them the “complaint.” They became angry that Tom had filed a complaint in their names, without their knowledge, with statements they never made. They had stopped in his office to talk about beaver problems. They tried to get an explanation from the DNR but were stonewalled. It took them two letters to the commissioner and help from Rep. David Dill to get a DNR apology.

Why would Tom Rusch go to such lengths to create complaints? We knew his fear of bears from our meeting on November 30, 2005. Maybe it would help if he met a bear close-up. I asked him to bring his crew to meet Solo, a bear he had been hearing about. Gentle Solo and her cubs were temporarily spending time in a rural residential area while wolves raised pups in Solo’s usual territory. Many residents fell in love with the family. A few feared her. On July 31, 2007, we homed in on her telemetry signals. The bears recognized my voice and remained bedded. I crouched next to them and motioned for Tom to join me. For most people, a close-up meeting with a bear is so different from the expected that it is a life-changing experience. Tom didn’t take the opportunity. His wary look was poignant as he stopped 30 feet back and said he had his good shoes on.

In questioning residents, Tom found residents who fear bears. He found residents whose 17-20 bird feeders per yard attracted bears, which they detested. Tom blamed our research, turning them against our work. He urged residents to seek a Township Resolution he could act on to remove habituated bears and end our research, but a petition toward that end gathered only 28 signatures in this community of hundreds.

On August 14, 2007, in response to the 28 petitioners and Tom’s concerns, the Chairman of the Town Council announced formation of a 14-member Community Bear Committee (CBC) that included petitioners who opposed bears and research and that included residents who appreciated both. On August 15, 2007, Tom recommended that the committee reach 3 points of consensus—to remove Solo, phase out our research, and stop feeding in the community (or move it away)—points similar to the provisions proposed in your letter.

In mid-August, the wolves moved on and Solo and her cubs moved back to their usual territory. Few people saw them after that.

On September 6, 2007, the committee held the first of 6 meetings. Tom told the committee about bear danger and how he wouldn’t want to be in the woods without a gun. His remarks resonated with members who feared bears but cost him credibility with more knowledgeable members. His uninformed statements put his recommendations in perspective.

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Over the next couple months, anti-bear and pro-bear members of the committee worked together and learned together. They surveyed the community. They scoured websites and consulted top experts across the country. They shared stories. By early November, they reached unanimous consensus on a plan entitled, “Living with Bears in Eagles Nest Township” and set up a 5-member Bear Hotline. They supported our research and recommended that Solo not be killed. The Town Council unanimously accepted the plan and submitted it to Tom Rusch. That’s where it stopped. Tom didn’t send it on to St Paul, leaving officials there to continue with his recommendation to kill Solo.

Meanwhile, Solo and her cubs quietly began hibernating in the open space under an unoccupied A-frame. We could have easily chased the family out but thought it was an opportunity for a community Den Cam so all could learn. We sought permission to do that but the landowner denied permission after talking to an attorney about liability. Solo had never harmed or threatened anyone. I volunteered to chase the family out. The situation could have been turned over to the Community Bear Committee and its 5-member hotline, but the DNR decision was to kill Solo. DNR officials did not return calls to the Eagles Nest Community Bear Committee or the chairman of the Town Council. Eventually, Governor Pawlenty announced that Solo would not be killed, and DNR officials commuted her sentence to life in captivity, adding her cubs to the sentence.

DNR officials came in under cover of darkness on January 14, 2008, to find that the bear family was no longer under the house. Officials tracked the family with dogs to Jim Kochevar’s private property where they cut down a tall tree without permission to capture Solo’s cubs. They confronted Dennis Burns as he watched from his driveway. They asked what he was doing. Dennis asked the same question back. Neighbors phoned neighbors in the wee hours. A crowd gathered. DNR officials argued with the chairman of the Community Bear Committee and told people to stop video-taping. DNR officials had to drug Solo multiple times to make the 12-hour drive to a captive den in Newberry, Michigan, where she died. The community became incensed toward the DNR’s heavy-handed action that ignored the plan the community had developed at the urging of the DNR itself.

Tom continued to blame our research for bear problems, including Solo. Fish and Wildlife Director Dave Schad then convened a panel of experts to determine whether our research was a liability. The panel unanimously concurred that our research was important and unlikely to create nuisance bears and jeopardize public safety.

Tom Rusch, CO Starr, and Dave Garshelis were not deterred by the expert reviews or the fact that no radio-collared bear had attacked anyone (to this day). They redoubled their efforts to blame the research for any bear problems and build a case that radio-collared bears are aggressive.

- A. On complaint forms, Tom began noting the distance from the Research Center.
- B. When a yearling male outside the study area was shot for being “aggressive” on June 2, 2011, CO Starr assumed it was a research bear. It wasn’t. All yearling

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- male research bears were still alive, but Dave Garshelis went on quoting the rumor as a fact.
- C. When a woman we know to be terrified of bears complained to CO Starr about a radio-collared bear in her yard. Starr could have let us know so we could work with the woman, a newcomer, but he passed the complaint up the line to help build a case against our research.
  - D. When a resident of the study area thrust his face close to a nervous mother (not radio-collared) in the dark and was defensively slapped, CO Starr questioned him twice with questions the man told us were directed toward implicating the research. To us, the noteworthy part of the incident was that in all the thousands of interactions in 50 years of feeding bears in the township, this was the only noteworthy injury we know. However, Dave Garshelis used it to mischaracterize bear-human interactions here in an article for International Bear News discrediting diversionary feeding and our research (November 2011)).
  - E. When a radio-collared bear placed its paw on the rear of a stopped car, the DNR called the bear “aggressive” and put out a press release warning the public about “aggressive radio-collared bears around Ely.”

Regarding the warning about “aggressive radio-collared bears around Ely,” here are some data comparing Eagles Nest Township versus elsewhere with regard to *number* of complaints, *severity* of complaints, and *attacks*.

- A. Before Tom began creating complaints, *number* of complaints from Eagles Nest for 1996 through November 2005 ran 80% lower than the statewide average. *Thus, feeding and habituation did not increase the **number** of complaints.*
- B. After Tom began creating complaints, using data for December 2005 through all of 2007, the 21 complaints for Eagles Nest Township were mainly bears being human tolerant and getting bird feeders or garbage. Such complaints pale in comparison with the *severity* of complaints elsewhere in the Wildlife Management Area where 30 percent of the complaints were about break-ins, including repeated break-ins. Break-ins are virtually unheard of in Eagles Nest Township. The remainder of the complaints from elsewhere in the WMA were about human tolerant bears, garbage, and bird feeders, as in Eagles Nest Township. Two complaints from Eagles Nest Township were for light nips that did not break the skin. In both instances, the person knew the bear and had a history of hand-feeding it. Hand-feeding goes against WRI and MN DNR recommendations. The nips were the result of coaxing the bear close with food and then teasing and/or attempting to play with the bear. At the time the complaints were filed, both complainants were angry with us over the hunter harassment charge and one had vowed to teach the researchers “a lesson.” *Thus, feeding and habituation did not increase the **severity** of complaints.*
- C. Regarding *attacks*, there has never been an attack in Eagles Nest Township during the 50 years of feeding and habituation unless we want to include the defensive slap by a mother bear when a man thrust his face into the bear’s face where she was feeding in his yard. However, elsewhere in the state, just during the 15 years

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of our study, there have been 3 actual attacks, including Miles Becker on 9-15-02, Kim Heil-Smith on 9-16-03, and Mary Munn on 7-29-05. *Thus, feeding and habituating bears in Eagles Nest Township did not increase attacks.*

*There is a need, as stated in the Eagles Nest Community Bear Committee Report, for the DNR to work **with** research and the Eagles Nest Community Bear Committee rather than looking for ways to end the research and exaggerate conflicts, while circumventing the Community Bear Committee that was created at the urging of the DNR.*

6. **When a radio-collared bear is killed and our radio-collar is turned in to a registration station, the registration station is forbidden by Tom Rusch to give us any information—not even the fact that they have our radio-collar.** Contrast this with what happens if a DNR radio-collared bear is killed. Hunters are instructed to call Dave Garshelis at home. It is just as important that we quickly know about killings as we try to decide whether to rent an airplane to search widely, etc. The majority of killings are on weekends when DNR offices are closed. In some cases, we are notified weeks later (or months in one case).

*There is a need for basic cooperation, including instructing hunters and registration stations to call the number on our radio-collars the moment a radio-collared bear is killed or a radio-collar turned in.*

7. **Dave Garshelis problems.** Dave Garshelis has worked against our research ever since he was hired by the DNR in 1980 or 1981. Shortly after he arrived, the Director of (USFS) North Central Forest Experiment Station (where I worked) told me, “*Lynn, you have to watch your media exposure now because it makes trouble between federal and state. Somebody else wants to be the big bear man now.*”

The list of how Garshelis has discredited my research and tried to end my career and stop the North American Bear Center is too long to write here. When Garshelis discredited my research on July 28, 1999, listeners wrote in. Wildlife Chief Roger Holmes told me he had Garshelis come to his office where Roger told him that all such behavior was to end immediately. It didn't. The recent list includes the St Paul Pioneer Press (2010), National Geographic Online (2010), and International Bear News (2010 and 2011).

With that history, I was suspicious when Dave asked me join a diversionary feeding panel he was creating for the International Bear Conference. He admitted he had made public statements against my research and diversionary feeding but said he would be impartial as the panel moderator. I foolishly agreed to participate and created a PowerPoint presentation that included complaint records from Eagles Nest Township and statewide complaint numbers from the DNR website. Dave said I had to remove those data or he would step in and stop my presentation. I did. At the conference, shortly before my presentation, Dave relented and said I could use the data for the presentation. On short notice, I was able to work a little of it back in. Afterward, he shook my hand

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and commended me on an excellent presentation. His genuine warmth and enthusiasm made we think we had achieved a breakthrough. But when he summarized the panel for International Bear News, he wrote that I “presented little data and what little data I did present were refuted by the agency that collected it,” discrediting me before bear biologists of the world with no way for me to respond.

Dave had stacked the panel with people who spoke without scientific data and agreed with Dave’s belief that food leads bears into trouble—not out of trouble as data show diversionary feeding to do. Afterward, he invited the other members of the panel (excluding me) to coauthor a paper with him about the problems of feeding.

*There is a need for professionalism, scientific objectivity, and permission to use DNR data in presentations and publications.*

- 8. In the context of the above, the DNR is targeting our research and radio-collared bears in a way that will severely hamper or end the research, education, and benefits these bears bring to the region.** Provisions are being considered that will make it easy for DNR officials who are unfriendly to the research to easily seek out and kill radio-collared bears without consideration of the benefits of the research, recommendations of the Eagles Nest Community Bear Committee plan “Living with Black Bears in Eagles Nest Township,” and Ely City Council Resolution 2011-033 of December 20, 2011, which encourages the MN DNR to work cooperatively with the WRI and NABC and refrain from restricting the research and education except as indicated by strong scientific data. To date, there is no strong scientific data to support any of the proposed provisions. All data are to the contrary. Radio-collared bears are the calmest, gentlest bears in the population. Not one of them has hurt anyone.

Even the least onerous provision, marking the bears with bright collars and numbers, negatively impacts our education outreach program and the economics of the region. One of those impacts is by making the bears unsuitable for worldwide documentaries that educate millions and bring thousands of tourists to the region in these financially stressed times. The provision for garish markings jeopardizes production and airing of 8 BBC documentaries for the new BBC series “Planet Earth Live: Fight for Survival” scheduled for production and broadcast in April and May 2012. Such documentaries showcase the beauty of the region to the world and provide tourism advertising in a way no Chamber of Commerce could buy. The series will be a major world television event.

These regional benefits are being jeopardized, along with the research and education, by (1) the attitudes of the abovementioned DNR officials who ignore data and the public in favor of their own opinions that run counter to data, (2) some who have shown they will stoop to any means to destroy the research and prevent publication of data that run counter to their opinions, and (3) by DNR favoring a small minority of residents who fear bears or detest that they are attracted to their bird feeders

In summary there are four basic needs.

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- A. *A need for education at all levels.*
- B. *A need for authorities to base decisions on science—not on rumors and not on assumptions that are commonly held but lack a scientific basis.*
- C. *A need for research to provide the science.*
- D. *A need for open, objective minds to further scientific research rather than trying to squelch research and dissemination of findings that conflict with their long-held assumptions.*

We look forward to discussing the above as we work together for all the benefits the research bears bring to science, education, and Minnesota. After you read all this, we should get together and talk. There is much to add if you have questions, and we need to talk more about misconceptions, history, answer any questions (both ways), and how to move forward. We haven't heard from you—not even about Juliet's Den Cam, although Steve Walters posts on Facebook about that, details of these provisions, etc., which makes us wonder how he knows and we don't. We are looking to get on a secure footing so we can have interns and grad students as are being requested by colleges. Hoping for a Happy New Year!

Sincerely,

Lynn Rogers, Biologist