

1 OAH Docket No: 60-2002-30171

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4 In the matter of:

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6 The proposed amendment to and repeal of rules

7 Governing Minnesota's List of Endangered, Threatened,

8 And Special Concerns Species In Minnesota Rules

9 Chapter 6134: Endangered And Threatened Species

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17 PUBLIC HEARING

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25 Taken January 30th, 2013

By Lisa M. Tiedeman

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APPEARANCES:

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3 AS THE HEARING OFFICER:

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Administrative Law Judge

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1 THE ABOVE-MENTIONED PUBLIC HEARING was held on this
2 30th day of January, 2013, at the New Ulm Community Center,
3 New Ulm, Minnesota, commencing at approximately 6:00 p.m.

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7 THE HEARING OFFICER: Well, it's a little
8 after 6 o'clock, so let's begin. Good evening. My
9 name is Jim LaFave. I'm an administrative law judge
10 with the state office the administrative hearings. The
11 office is independent of the Minnesota Department of
12 Natural Resources that is proposing to adopt the rules
13 today and of any groups that are participating in the
14 hearing. The role of our office is to provide hearings
15 that are required by law and in a way that is fair and
16 impartial to all the participants. Among the other
17 directions from the legislature, specifically Minnesota
18 Statute 14.14 and 14.15, rulemaking hearings are to be
19 conducted so that members of the public be treated
20 fairly and impartial. I am here as part of a larger
21 set of regulatory controls to ensure procedural
22 fairness. It is approximately 6 p.m. on January 30th,
23 2013. And we have convened in the New Ulm Community
24 Center, 600 North German, New Ulm, Minnesota 56073 for
25 a public hearing in the matter entitled, "In the Matter

1 of the Proposed Amendment to and Repeal of Rules
2 Governing Minnesota's List of Endangered, Threatened,
3 and Special Concern Species" in Minnesota Rules Chapter
4 6134, OAH Docket, Number 60-2002-30171. And for those
5 who might be interested, it's Governor's Tracking No.
6 323.

7 There is a handout on the table
8 entitled "State of Minnesota, Office of Administrative
9 Hearings, Rule Hearing Procedures." If you don't have
10 a copy, please take a moment to pick one up from the
11 table. It describes the procedures set up by the
12 legislature for hearings like this. While I will touch
13 on some of the highlights, more detailed information is
14 included in the handout. This hearing is part of a
15 process by which agency rules are adopted under the
16 Minnesota Administrative and Procedures Act. The
17 purpose of this hearing is to develop and receive
18 information on three key issues under the Act, namely
19 whether the Minnesota Department of Natural Resources
20 has, one, the legal authority to adopt the proposed
21 rules. Two, fulfilled all of the relevant legal and
22 procedural requirements in order to promulgate rules.
23 And three, demonstrated that among the possible
24 alternatives for rulemaking that were available to the
25 agency, that the rules the agency has proposed are

1 needed and reasonable.

2 While we are glad to give anyone who
3 will share comments today a little leeway in developing
4 the context for their presentations and arguments, I
5 will simply say that it would be most helpful for me,
6 and the best use of our time, if both the agency panel
7 members and members of the public could focus on the
8 three issues that I will need to report upon, namely
9 whether the agency has the legal authority to adopt the
10 proposed, rules that fulfill the legal and procedural
11 requirements, and has demonstrated that the rules are
12 needed and reasonable.

13 The agenda for today's hearing will
14 be I will complete the explanation of the hearing
15 procedure, then I will introduce the panel that is here
16 from the agency. Next, the agency will describe the
17 exhibits that will be included in the hearing record.
18 And I have asked the agency's representative to
19 summarize the exhibits so you'll have some idea of
20 what's going into the record. And on the table you
21 will find some of the exhibits for you to review, but
22 please leave them here on the table.

23 After that, an agency representative
24 will make a brief oral presentation about the rule and
25 the reasons for it. And then finally, most of the

1 hearing time has been allotted for questions and
2 statements from members of the public. In order to
3 make sure we have an accurate record of the number of
4 people attending the hearing, everyone is requested to
5 sign the hearing register located on the registration
6 table. If you wish to speak or submit a written
7 statement today, you must sign the register. If you
8 wish to speak, please check the mark in the appropriate
9 column on the hearing register. When you are called to
10 speak, please come up to the podium so that I can hear
11 you and your testimony is recorded. When you begin
12 speaking, please state and spell your name, then give
13 your address and identify the group or interest you
14 represent, if any.

15 A rule hearing like this one is
16 similar to a legislative hearing or a meeting of the
17 local board. You'll have the opportunity to talk to
18 and ask questions of other participants. It is not
19 like a court trial. Any speaker may ask questions of
20 the agency panel and may also be questioned by the
21 agency panel, the administrative law judge, or other
22 persons present at the hearing. Because this is not
23 like a court hearing, you do not need to make the point
24 you want to make by asking questions. You can state
25 what your own views are, and you can go directly to the

1 point. It is also helpful that if you have specific
2 points as to particular sections of the rule, that you
3 identify those sections.

4 The record we make here today may be
5 reviewed by others later, and we want to be sure that
6 it is clear and that the matter you are addressing is
7 likewise clear to them. This hearing is being recorded
8 by a court reporter, and it is very important that we
9 obtain an accurate record of this hearing. Therefore,
10 I would ask all the speakers to remember the following.
11 That it is important that you speak clearly and slowly
12 and loud enough so we can hear you. That all
13 statements must be clearly spoken. For example, the
14 court reporter cannot record a nod of the head. Please
15 spell all proper names and technical terms the first
16 time they were used, and I would ask that only one
17 person speak at a time. I may interrupt a speaker from
18 time to time to ask for a spelling or to remind you of
19 these points, and I hope you will please not take
20 offense. I want to make sure we have an accurate
21 record of what you are saying.

22 If you have written copies of
23 your remarks that you would like to leave here as
24 exhibits, please do so. That would be very helpful.
25 You can also submit your comments in writing after the

1 hearing. Comments should be submitted to my office at
2 the address indicated on the back of the handout. And
3 it would also be helpful if folks submitting comments
4 to our office reference the docket number in this
5 matter. And again, the docket number is 60-2002-30171.

6 There will be five public hearings
7 in this matter. After the close of the last hearing on
8 February 7th, 2013, you will have 20 calendar days,
9 until Wednesday, February 27th, to submit written
10 comments. There will then be a five-working-day
11 rebuttal period on all previously submitted comments
12 and that will go to the close of business on Wednesday,
13 March 6th, 2013. The second period is not an
14 opportunity to submit your initial comments or
15 evidence. As Minnesota Statute Section 14.15 states,
16 additional evidence may not be submitted during the
17 five-day rebuttal period, instead it's an opportunity
18 for you to review and respond to the comments submitted
19 by the agencies or others during the first comment
20 period.

21 After the second deadline passes, I
22 will prepare a report that will contain my decision
23 about whether the agency has met the burden assessed
24 earlier, namely whether the agency has documented its
25 statutory authority, demonstrated that it has fulfilled

1 all the necessary legal and procedural requirements,
2 and demonstrated the need and reasonableness for each
3 portion of the proposed rules.

4 If you want to obtain a copy of my
5 report, please put your name and address on one of the
6 envelopes at the sign-in table, and we will see that
7 you get notice of when my report is available, and you
8 will be informed how to obtain a copy. The handout
9 goes into further details about the hearing process
10 that occurs after my report is issued. I'm not going
11 to discuss that part of the process, but you can read
12 about it at your leisure.

13 Are there any questions about the
14 hearing procedure? If not, we will continue with the
15 agency's presentation. Present today for the -- on
16 behalf of Department of Natural Resources is Rich Baker
17 and Ron Collett.

18 MR. BAKER: Thank you, Judge. My
19 name is Rich Baker, Endangered Species Coordinator for
20 the Department of Natural Resources, or DNR, Division
21 of Ecological and Water Resources. The DNR is directed
22 by Subdivision 3 of the state's Endangered Species
23 Statute that's M.S.84.0895, to adopt rules to designate
24 species of wild animal or plant as endangered,
25 threatened, or of special concern according to the

1 definitions provided in that statute. The resulting
2 list of endangered, threatened, and special concern
3 species was first created in 1984, amended in 1996, and
4 has remained unchanged since. The list draws attention
5 to species that are at the greatest risk of extinction
6 within the state, and applies special regulations to
7 those species that are designated as endangered or
8 threatened. By alerting resource managers and the
9 public to species in jeopardy, resource use and
10 management activities can be reviewed and prioritized
11 to help preserve the diversity and abundance of
12 Minnesota's flora and fauna.

13 Because of the importance of this
14 list in influencing resource use and management
15 activities in Minnesota, it is critical that it reflect
16 the most current information regarding the
17 distribution, abundance, and security of species within
18 the state.

19 Development of proposed amendments
20 was initiated in 2000 with the publication of a request
21 for comments in the State Register. Between 2000 and
22 2006, DNR staff reviewed, evaluated, and assimilated a
23 vast amount of data on the distribution and abundance
24 of the state's plant and animal species. This review
25 resulted in development of a set of draft amendments to

1 the status of 273 species. In early 2007, those draft
2 amendments were provided to the public for comment, and
3 the second request for comments was published in the
4 State Register. Following receipt of 423 comments, the
5 DNR carefully evaluated each comment it received and
6 made many adjustments to the draft amendments.

7 Development of the proposed
8 amendments on which you are commenting today has relied
9 upon the DNR's staff's professional judgment to
10 evaluate whether or not a species' status meets the
11 statutory definition of endangered, threatened, or of
12 special concern. Consideration has been limited to
13 species that are known to reproduce within the state at
14 present, regardless of where within the state the
15 species occurs.

16 The proposed rule amendments
17 identify 302 species of mammals, birds, reptiles,
18 amphibians, fish, mollusks, jumping spider, butter
19 flies, moths, caddisflies, tiger beetles, leafhoppers,
20 dragonflies, vascular plants, lichens, mosses,
21 liverworts, and fungi for which the change in
22 designation is proposed. The proposed amendments
23 include reclassification from one designation to
24 another, as well as the designation of previously
25 unlisted species and the removal of previously listed

1 species. Because the species taxonomy is a dynamic
2 science that regularly applies new insights into the
3 relationships among species, the proposed rules also
4 update the scientific names of 64 species for which
5 there is no proposed change in status.

6 The DNR has sought to reflect the
7 most recent and accurate science regarding these
8 relationships in the scientific names used. The DNR has
9 prepared a statement of need and reasonableness that
10 explains the basis for the proposed change in status
11 for each species. Copies of the SONAR and proposed
12 rules are available for your review on the table at the
13 door to the hearing room. Also on that table is a
14 sheet on which you may place your name, address, or
15 e-mail address to request copies of either or both
16 documents to be e-mailed or mailed to you.

17 Alternatively, you can download the
18 copies of either document from the DNR website. The
19 purpose of this evening's hearing is to receive
20 comments on the DNR's proposed rule and to answer
21 questions as we are able. We'll do our best to answer
22 questions that are factual or clarifying in nature;
23 however, we may choose to respond to some questions in
24 our written response instead of responding to them this
25 evening.

1 To review the remaining
2 procedures -- the judge has already done this, but I'll
3 do it again -- the DNR is holding five hearings
4 throughout the state on these proposed rules following
5 these hearings. The public comment period will remain
6 open for 20 days with the deadline for submission of
7 new information at 4:30 p.m. on Wednesday, February
8 27th. That will be followed by a five-day rebuttal
9 period, during which the DNR wants you to respond in
10 writing, comments during the comment period, but during
11 which no new information may be submitted.

12 Rebuttal period will end 4:30 p.m.
13 on Wednesday, March 6th. After the close of the
14 comment and rebuttal period, the administrative law
15 judge will have 30 days to complete the hearing report,
16 unless an extension is granted. Following the DNR's
17 receipt of the hearing report, the DNR and the
18 Governor's office will determine how to proceed with
19 the proposed rules.

20 That concludes the DNR's opening
21 statement. I would like to introduce the DNR staff
22 who's accompanying me at tonight's hearing to hear your
23 comments and to answer your questions on the proposed
24 rule. I am accompanied by Regional Manager Robert
25 Collett. Thank you.

1 THE HEARING OFFICER: Thank you,
2 Mr. Baker. We will take a short break to allow people
3 to review the statement of need and reasonableness and
4 the proposed rules and to make sure that you've signed
5 the register if you would like to speak tonight. And
6 after folks have had that opportunity, we'll begin with
7 public comments. Thank you.

8 (Whereupon a short recess was
9 taken.)

10 THE HEARING OFFICER: Thank you. We
11 are now back on the record and we will open the hearing
12 for public comment. Michelle Kainz. Michelle? Please
13 state and spell your name, and give your address and a
14 group affiliation if it's appropriate.

15 MS. KAINZ: I am Michelle Kainz,
16 spelled Michelle, M-I-C-H-E-L-L-E, Kainz, spelled
17 K-A-I-N-Z, as in zebra, P.O. Box 659, Hopkins,
18 Minnesota 55343. And I have never been to a hearing.
19 I don't speak in public. And so I'm going to start
20 with something that I heard at church this Sunday.
21 This is a story about four people named everybody,
22 somebody, anybody, and nobody. There was an important
23 job to do, and everybody was asked to do it. Everybody
24 was sure somebody would do it. Anybody could have done
25 it, but nobody did it. Somebody got angry because it

1 was everybody's job. Everybody thought anybody would
2 do it, but nobody realized that everybody wouldn't do
3 it. It ended up that everybody blamed somebody when
4 nobody did it and when anybody could have done it.

5 And I'm the nobody. I'm just a mom
6 and a wife, and I don't understand some of the
7 decisions that are being made. I don't understand how
8 an animal can be protected for so long and then just
9 instantly, as soon as it's thought okay, that it's open
10 for hunting. And I am of course talking about the
11 wolf. I don't understand how that works with the
12 mission statement of the DNR. And I have that. I did.
13 Anyway, the part of the mission statement where you
14 state that you are going to work with the public to
15 protect the public lands. And no wolf hunting was on
16 that list, but yet it was removed in July of 2011
17 without any public comment or input. Do you have any
18 response to that?

19 MR. BAKER: The removal from the
20 list that you are referring to in July was removal from
21 the Federal Endangered Species List. Of course what we
22 are talking about tonight is the State Endangered
23 Species List, which is a separate action. The Federal
24 Endangered Species List is managed by the U.S. Fish and
25 Wildlife Service and is really entirely independent of

1 our responsibilities.

2 MS. KAINZ: Okay. So they make the
3 decision and you manage it?

4 MR. BAKER: That decision
5 transferred management to the State, right.

6 MS. KAINZ: Okay. And you also
7 mentioned something about the professionals that were
8 making the decision about what was moved on and off the
9 list and between the list. Who are the professionals?
10 What are the studies that they are doing that determine
11 what can be changed?

12 MR. BAKER: In the case of tonight's
13 rulemaking, we are proposing to take the wolf from
14 Special Concern status and remove it from Special
15 Concern status. The decision to do that was made by
16 our -- myself and our other internal experts in animal
17 populations biology. We have a couple mammalogists --
18 we have several populations mammalogists that made that
19 decision, but I can represent that, you know, I was
20 part of that decision. So I can represent that
21 decision.

22 MS. KAINZ: And you feel good about
23 that decision? You are okay with that decision and the
24 generations down the road and whatever is going to
25 happen with that wolf populations?

1 MR. BAKER: Well, the decision
2 reflects the status of the species today.

3 MS. KAINZ: Right.

4 MR. BAKER: In fact, the decision
5 reflects the status of the species, and we published
6 this, which was last August. If the status of species
7 were to change, the state's endangered, threaten, and
8 special concern list is a dynamic document, and we are
9 required to consider changes to it regularly. So it is
10 not outside the possibility in the future that we would
11 change that decision. And if the wolf is declining and
12 met the statutory definition of endangered, threaten,
13 or of special concern, we would reclassify it.

14 MS. KAINZ: And what determines the
15 endangered status of the wolf? What would that be and
16 what would that entail?

17 MR. BAKER: It is, as I said in my
18 opening statements, the definitions are in statute, and
19 it's our job to use our professional judgment to
20 evaluate the species status, its distribution, the
21 threats that are imposed on it, and to decide whether
22 it meets that -- those definitions that are in the
23 statute.

24 MS. KAINZ: Okay. And there will be
25 more time for public input on that?

1 MR. BAKER: Yes -- well, as far as
2 there's more public input during this particular
3 rulemaking today that we are discussing tonight, in the
4 case of the wolf that you are interested in, where we
5 are proposing to remove it from special concern status,
6 those comments can be submitted until February 27th,
7 and so that -- I think that answers your question as
8 far as is there opportunity for more comment. Future
9 rulemaking will be done the same way. And so if the
10 time comes -- when say the next rulemaking, if you felt
11 like, you know, if we didn't do anything with the
12 wolf -- or I'm just speaking purely hypothetically --
13 and you felt that we should have done something, again
14 you would have an opportunity to comment at that time.

15 MS. KAINZ: Okay. Because the
16 population has reduced both naturally and by the hunt.
17 So there's already been a reduction in the population.
18 So will there be another review of their population
19 between now and the end of February 27th?

20 MR. BAKER: Ah --

21 MS. KAINZ: If they made the rulings
22 based on the population in August, and since that time
23 a number of wolves have died because of hunt and
24 natural causes, then the numbers are different than
25 they were in August. So has a determination been made?

1 MR. BAKER: It's the nature of the
2 subject matter here that all of this stuff is
3 immediately out of date, technically. And so I share
4 with you the dilemma that we face and, you know, it's
5 practically not possible for the DNR to reflect on
6 today's information in the case of the wolf. It's
7 ironic that yes, when we made this decision in August,
8 we didn't -- we were reflecting on the status of the
9 population at that time, and we felt that the status of
10 the population of wolves in the state was -- that it
11 was a recovering species and no longer met the
12 definition of special concern.

13 Back in 1996, by the way, we did a
14 similar ruling. At that time the wolf was a threatened
15 species on the state list. We classified it to special
16 concern at that time. So we've done that -- we've
17 thought about the status of the wolf several times.
18 This time we feel that as of the time we made this
19 decision and published this material, that that was the
20 message.

21 MS. KAINZ: And when will that
22 decision on your part be revisited based on numbers?

23 MR. BAKER: You know, as I
24 mentioned, the list of endangered, threatened, and
25 special concern species is a dynamic one. And as you

1 are pointing out, new data has come in since we made
2 that decision. New data will continue to come in. I
3 hope that we will make -- we will revisit the entire
4 list sometime in the next three to five years and
5 reevaluate all the species in the state at that time.

6 MS. KAINZ: So it sounds like it
7 isn't a possibility to make real-time decisions. You
8 can't change a decision once it's been made?

9 MR. BAKER: Well, the purpose of the
10 hearing and the comment period is for you to submit new
11 information, and for the judge to evaluate that new
12 information and to determine -- to advise us as to
13 whether or not it changes the balance of need and
14 reasonableness that the judge explained is the
15 threshold that we are required to meet.

16 MS. KAINZ: So I have some research
17 to do.

18 MR. BAKER: And that's the purpose
19 of the comment period, is for you to provide new
20 information.

21 MS. KAINZ: Thank you.

22 MR. BAKER: All right. Well thank
23 you very much.

24 THE HEARING OFFICER: Thank you very
25 much for your comments. And please forgive me if I

1 butcher your name, Melissa Siebke.

2 MS. SIEBKE: So first I spell my
3 name, I imagine? Melissa, M-E-L-I-S-S-A, and S as in
4 Sam, I-E-B, as in boy, K-E. And my address is 2160
5 Havana, as in Cuba, H-A-V-A-N-A Road, Owatonna,
6 O-W-A-T-O-N-N-A, Minnesota. Great. Can I start?

7 THE HEARING OFFICER: Please.

8 MS. SIEBKE: Wonderful. First and
9 foremost I want to thank you for this opportunity for
10 us as a public to express our concerns, be it that we
11 are in favor of the wolf hunt, the delisting or keeping
12 the wolf so that it's not in the special concerns area,
13 or be it that we are very concerned about the wolf hunt
14 and trapping. So thank you very much for this
15 opportunity. I'm a biologist, and I come today as a
16 very concerned, not only concerned citizen, but also a
17 concerned scientist. I have 17 points, mind you they
18 are not long, they are about five sentences each. But
19 17 points that express my great concern not only for
20 what's been going on within the DNR and also for the
21 galaxy as well.

22 So the first one, okay, the wolf
23 population was stable from 1998 without wolf hunting
24 and trapping. Wolves control their own numbers, and
25 the DNR has not established a maximum population level

1 for wolves. Estimated at 3,000 wolves when the last
2 count was performed in 2007 and 2008, no baseline data
3 was obtained before the start of the 2012 and 2013
4 season. One in four wolves was killed, approximately,
5 by the hunting and trapping in 2012. My source was A
6 Distribution and Abundance of Wolves. Okay. I should
7 say two. That's one of my sources, Minnesota
8 Department of Natural Resources is another source, the
9 Minnesota Wolf Legislation Report, is another source,
10 the Minnesota USDA Wolf Depreciation Data is another
11 source. Those are my primary sources.

12 No. 2., wolves are genetically
13 programmed to fear humans. Wolves may approach food
14 resources and dogs, but not -- but typically avoid
15 humans. Researchers report wolves cower in their traps
16 when approached for the most part. Wolves are elusive
17 and generally stay hidden from human view. No. 3, a
18 healthy wolf population supports healthy wildlife
19 habitats. Wolves are vital to the delicate balance of
20 the forest ecosystem because they influence the feeding
21 behavior of deer and elk, allowing vegetation to grow
22 in forests, and along streams which in turn supports
23 the birds, fish, and deer.

24 Wolves limit the spread of disease
25 in deer. Wolves support habitat for game species that

1 provide hunting to raise dollars here in the State of
2 Minnesota. No. 4, wolves support Minnesota tourism.
3 Wolves are a keystone of tours and species in 531
4 million dollars per year -- in a 531 million dollars
5 per year sustainable Minnesota industry that attracts
6 visitors from around the world. Nearly 13,000 jobs in
7 Minnesota are supported by wildlife viewing. People
8 come here to experience wolf habitat, to view wolf
9 tracks, and experience wolves howling in the
10 wilderness, and we can't afford to lose that economic
11 stimulus in northern Minnesota.

12 No. 5, the Minnesota legislature
13 broke a public trust agreement to rush to the wolf
14 hunt. In Minnesota the law states, or stated, that a
15 five-year wait was required before any consideration of
16 wolf hunting following delisting. The wait was removed
17 federally in July of 2011 behind doors without allowing
18 us a great deal of public input for this very special
19 section. No. 6, Minnesota state laws already allow for
20 wolves to be killed when pets, people, and livestock
21 are perceived to be in danger. 100 more wolves were
22 killed as a result of the new law in 2012 than all
23 previous years. Wolves and their pups already die in
24 high numbers from starvation, poaching, and car
25 collisions. The population is not expanding. They do

1 self-regulate.

2 No. 7., wolf-livestock conflicts are
3 traditionally low in Minnesota. In 2011 there were 109
4 verified complaints at 96 sites. Out of this, 91
5 calves, cattle, were verified killed on farms in
6 Minnesota, impacting less than 2 percent of all
7 Minnesota beef producers. There were 203 wolves killed
8 in response. Livestock owners are compensated by the
9 Minnesota Department of Agriculture. No. 8,
10 recreational wolf hunting, trapping -- and trapping can
11 increase wolf livestock conflicts as well. The killing
12 of random nonproblem wolves can increase -- and can
13 actually increase. Packs are broken up. Alphamales
14 and alpha females were killed and other wolves as well.
15 And the broken up and remaining members seek easy food
16 near people, so this increases the conflict between
17 humans and livestock and pets.

18 Hunting wolves in their natural
19 habitat may push them towards urban areas to survive,
20 making things worse. No. 9, Minnesotans value wolves
21 and do not want them hunted. On the DNR website there
22 was an ability for us to respond whether we agreed with
23 the hunting season and trapping season or not. 79
24 percent have responded, including hunters, opposed to
25 shooting, trapping, and snaring wolves. 79 percent.

1 Hearing the wolves howl in the wild
2 is a magical experience, and people want to pass this
3 on to the next generation. Obviously, this was
4 reflected in the surveys. No. 10, wolf hunting
5 perpetuates the persecution of the great wolf.
6 Persecutory attitudes and behaviors have driven the
7 great wolf to the brink of extinction. Minnesota
8 wolves are the only original and biological diverse
9 wolf population remaining. No. 11, the DNR for the
10 most part has kept the public out of the wildlife
11 hunting decisions since approximately 1995. For the
12 last 17 years the DNR has almost exclusively used an
13 expedited emergency rulemaking process which allowed
14 them to forego public comment for 200 out of 202
15 hunting rules that were authorized.

16 Right now the DNR, if I'm not
17 mistaken, is preparing to reauthorize an expedited
18 emergency rule allowing recreational wolf hunting, and
19 is considering even higher kill quotas -- so this was
20 just a little before it was authorized -- all without
21 allowing much public comment. No. 12, state law
22 previously required again a five-year period before any
23 population management measures, including hunting and
24 trapping, would be considered after wolves were removed
25 from the endangered species list. This five-year

1 period was stripped away, not -- behind locked doors by
2 political insiders without any public comment during
3 the period 2011 special session. That to me is not
4 representative of democracy and is very concerning.

5 No. 13, the wolf population again
6 has been sealed without a hunt since 1998, and we
7 haven't had any signed data since 2012 and it's 2013.
8 And as a scientist, we know that that's important to
9 acquire, regardless if it takes time or it doesn't.
10 Those numbers are quantitative data and are very
11 important. With lacking the space on data, it would
12 make basic determinations about the health of our great
13 wolf population very difficult. It will take years to
14 assess the damage that could be. With one out of four
15 wolves killed -- I would say that it is being done, or
16 has been done, by the wolf hunt. Number 14 -- nope,
17 covered that one. Okay. We'll go to 15. One in four
18 wolves was killed in the hunting and trapping season in
19 2012, based on the estimated populations of 3,000
20 wolves when the population was last surveyed in 2007
21 and 2008. The significant destruction doesn't account
22 for the impact of disease and illness among wolves, it
23 doesn't impact for poaching, and it doesn't impact for
24 car collisions.

25 Okay, I think I've covered all my

1 points. But ultimately as a biologist, the wolf
2 hunting and trapping season greatly, greatly disturbs
3 me. Wolves regulate -- naturally regulate themselves.
4 When an alpha male or alpha female, in particular, is
5 killed, that can very much offset the breeding of the
6 animal -- the wolves and can create overbreeding and
7 create underbreeding. It sets a recipe for absolute
8 disaster for ecological reasons, ecological -- the
9 environment. It's just not very good. So that greatly
10 concerns me.

11 I ask, as you probably can tell,
12 that you please keep the wolf on the special concerns
13 list or as a special concern status. Not only for
14 ecological or environmental reasons, but also for
15 economic reasons here in the state of Minnesota.

16 Last but not least, just on a
17 personal note separate from being a biologist, one
18 thing that greatly concerns me is trapping. It's
19 something that you know as hopefully evolving
20 civilization we look at and think, you know what, my
21 pet -- my dog, my cat -- probably more than likely a
22 dog -- could -- an animal, livestock, could get into
23 that trap, and could you imagine the amount of pain
24 that our pets could face. Where we know that wolves
25 and pets have done this before, dogs in particular,

1 where they have gnawed off their own legs as a result
2 of being caught in a trap. That to me is really
3 inhumane, and it's not something -- it's not like a
4 person's hunting for food, it's not -- you know, it's
5 something that definitely gives a long time for
6 suffering for the animal.

7 I definitely understand hunting, you
8 know, the purpose even for recreational hunting, but at
9 the same time trapping to me is archaic and quite
10 barbaric. So that's a personal, not as a biologist.
11 But thanks for listening.

12 THE HEARING OFFICER: Thank you for
13 your time. Marie Thurn.

14 MS. THURN: Good evening. My name
15 is Marie Thurn. I lived at -- and my last name
16 spelling you have.

17 MR. BAKER: Could you spell it for
18 us, please?

19 MS. THURN: Sure, T-H-U-R-N. I live
20 in Glenco, Minnesota, and many years ago I started out
21 as the first McCloud County dispatcher, 9-1-1. Then I
22 ran across a man named Bill Carlson, and he said if you
23 ever find an injured animal, this is where you go. It
24 happened to be the Raptor Center at the University of
25 Minnesota. I found out it was a screech owl, and it

1 wasn't a baby. Since then I have been going out on
2 wildlife rescue calls for law enforcement, sheriff's
3 departments, state patrol. My name has gotten around.
4 And I go out on these calls. At one time I was even
5 brave enough to go down to a committee meeting and
6 testify for the wolves. And my question was, when you
7 are a farmer, you do not want anybody to know you are
8 having deaths on your farm. With the wolf, some
9 farmers were taking it down into lower areas for
10 wildlife to come feed on so they didn't have to pay to
11 have it removed. And I argued that point with them in
12 that committee meeting. They thought for a bit and
13 postponed it.

14 And a year later the wolves
15 came up again. I still have a concern because you see
16 when I go out on these wildlife calls, some of them are
17 during hunting season, and somebody has shot something
18 and not gone on to follow it down and kill it
19 completely. My question is about the wolves. What
20 happens if a child or somebody comes upon a wounded
21 wolf and it attacks them? Or with the farmers who do
22 not want to call the rendering works to have the
23 animals hauled off and allow the wolves to come in and
24 learn how to feed on pigs, cows, chickens, turkeys,
25 whatever. How do we monitor that? That's for the

1 wolves.

2 Down in Henderson, Minnesota, I
3 received a call during hunting, of a big bird. It
4 turned out to be a bald eagle. What had happened is
5 somebody shot a deer in the rear, did not track it, it
6 ended up in Rush River. The butt froze into the ice.
7 The bald eagle came down to feed on it, and when I got
8 her down after three seizures in the car -- because I
9 kept her in my arms and somebody else was driving --
10 there wasn't any way we could turn around the lead
11 poisoning. What I find is that humans are very
12 careless. We are supposed to be the smartest of the
13 whole group, but you see, I get to go out on these
14 calls. I am not -- you know, pilot program here at New
15 Ulm, for going out on wildlife rescue. And my question
16 is how -- more so than what we put in our rules and
17 regulations, how do we make people more responsible?
18 As a judge you are going to have to make some very
19 serious determinations of what's going to happen.

20 My DNR people have always worked
21 with me. I'm very proud to say that in all the years
22 that I've been doing this, the osprey are back in the
23 state of minnesota because of the DNR. My conservation
24 officers have worked alongside of me as an old
25 dispatcher. Yes, I still stand up on issues, I haven't

1 learned how to shut up, and sometimes that irritates
2 people. But there is a thing that has to come about,
3 and it's called common sense. Our young biologist and
4 your lady from Hopkins, I was very proud of what they
5 had to say. Things are starting to come back in to
6 your communities. You're seeing deer running through
7 town where you didn't see that before, and that's
8 because we are building on their property. But when we
9 make these laws and we take animals off of endangered,
10 threatened, special needs, as I have a thing about
11 Blanding's turtles that I have found -- that was my
12 husband's anniversary gift. We got Mr. and Mrs.
13 Blanding's Turtle this last year. Yeah, I'm a rare
14 bird.

15 But I also learned as a dispatcher
16 who, what, when, where and why. And I keep continuing
17 to ask those questions. I can't get out of that
18 training that I got in law enforcement. And with the
19 three of you gentleman here, you are very, very
20 important people, as are our two young speakers who
21 came up to ask. And the whole thing is, the one thing
22 that we've got to keep in mind, our climate is
23 changing. You want to explain to me why I can wear
24 Bermudas next week? It's because we are back up. Ask
25 me why I'm wearing my low pants tonight, we got 60

1 miles to go back home. We need to look at what's
2 happening worldwide before we start declassifying some
3 of this stuff. For our animals, for all the things
4 that we have growing in the State of Minnesota.
5 Elderberries are a plant that I enjoy in the fall time
6 of year. All your foliage, all your snakes, everything
7 that we have in our water systems.

8 Right now they have brought up the
9 facts about Mille Lacs and the walleyes. And yet, in a
10 lot of ways, the DNR is supposed to make all those
11 miracles. And we don't have money, but we still need
12 to keep our nature around. So when you make your
13 decisions on this, keep one thing in mind, when Noah
14 built the ark, he only had two to go with. I would
15 hope that we never end up that way again. So that all
16 the species we have, not just here in Minnesota,
17 naturally, worldwide, that we get to keep those so that
18 when the children of the world grow up, they'll know
19 what a squirrel or a gopher, a snake looks like, and
20 that we never forget if you have animals around, you
21 don't have grumpy people. Check out your bird feeders
22 in the morning if you are in a grumpy mood. Go see the
23 bird feeder, you'll find out that these animals make it
24 through the severe weather.

25 My highest respect for the DNR,

1 because you see, you are my heros. You made a lot of
2 differences. You put this whole 67 and a half year old
3 lady in a pilot program here in New Ulm so that I could
4 still continue to go do my rescue calls like I have. I
5 promised my husband wildlife. I didn't lie to him, and
6 I'm not lying to you tonight. Keep this in mind when
7 you make your decisions. Because you see the three of
8 you are very important people. And for all the people
9 that put all the input into the box, because you have
10 to write your books, you can't do those overnight.
11 You've got to write them in August, and then you have
12 to go evaluate things. But evaluate from your heart.
13 This is what my first lady taught me when I was
14 learning how to save lives for people. She said always
15 listen to your gut because it's smarter than your
16 brain. And she says if you ever need God, Jesus, and
17 the Holy Ghost all at the same time, swallow. It drops
18 the pitch of your voice and organizes your brain. So
19 as you are making these decisions, remember, swallow
20 and see how it organizes your brain. Thank you very
21 much for your time.

22 THE HEARING OFFICER: Thank you very
23 much for your comments. Melanie Weberg.

24 MS. WEBERG: My name is Melanie
25 Weberg, M-E-L-A-N-I-E, W-E-B-E-R-G. I live at 1304

1 East 88th Street, Bloomington, Minnesota 55025. I'm
2 also a retired Minneapolis -- Minneapolis public school
3 teacher. I'm here because I strongly believe that it's
4 critical that Minnesota's great timber wolves remain at
5 the minimum a species of special concern for the
6 following two reasons. Habitat reduction and
7 destruction, and lack of public education. Okay, the
8 first one, habitat reduction and destruction. Prior to
9 the 2012 wolf kill -- I believe it was May of 2012 --
10 Governor Dayton signed into law a bill opening up
11 Minnesota public land to grazing for the first time.
12 Since then 10,000 acres have been opened up, and
13 another 57,000 are also targeted. In addition, in the
14 beaches -- it's called Beaches Wildlife Management area
15 in Skull Lake Wildlife Management area, they will have
16 or are soon to open up another 3,750 acres, and many of
17 these acres are in the heart of wolf territory. This
18 will increase the likelihood of negative human and
19 cattle encounters along with the destruction of
20 wildlife habitat.

21 As we know, out west the destruction
22 of native lands and water pollution by cattle grazing
23 combined with the ongoing persecution of wolves by
24 cattle owners and the like continues to be the demise
25 of the great wolf. And also as stated on the DNR -- I

1 looked on there today, the DNR wolves species profile
2 page -- it says, "Human population growth and
3 subsequent increases in human dispersion on the land are
4 contributing to the decrease of available habitat for
5 large ungulates and hence wolves. This growth also
6 increases the chance of human-wolf encounters, which
7 usually ends poorly for wolves. If Minnesota's goal is
8 to maintain a free ranging and self-sustaining
9 population, the focus must be on the preservation of
10 habitat, and it appears that that is declining. So
11 thus my first reason for maintaining their
12 classification as special concern.

13 And the second one is education.
14 Any published piece by wolf experts along with the DNR
15 that I have read state emphatically that public
16 education is key to a self-sustaining wolf population.
17 Minnesota's wolf management plan also states -- I'll
18 just quote/unquote here. "The dissemination of factual
19 information about wolves, their interactions with their
20 environment, and their interactions with humans is a
21 key component of successful wolf conservation." Also
22 they go on to list that timely and accurate information
23 about wolves and wolf management will be available to
24 the public in written, visual, and electronic format.
25 Wolf education programs and activities conducted by

1 private organizations will be supported and
2 facilitated. Responsible wolf eco tourism will be
3 supported as an important form of public education.
4 Periodic knowledge and attitude surveys of Minnesota
5 citizens living both inside and outside of wolf range
6 may be conducted because they state public attitudes
7 directly impact wolf management.

8 And I don't -- none of this, to my
9 knowledge, this education is occurring. Or if it is,
10 it has not made any impact. And without education,
11 negative attitudes towards wolves will continue to
12 promote their persecution. So once again, for these
13 two reasons, I think it's imperative to classify the
14 great timber wolf as a species of special concern.

15 THE HEARING OFFICER: Thank you very
16 much.

17 MR. BAKER: Thank you.

18 THE HEARING OFFICER: Fritz Bush.

19 MR. BUSH: I'm Fritz Bush, I'm a
20 journalist and after hearing some of the comments and
21 reading some of the background about the meeting, I
22 guess I have a few questions. And I don't know if
23 there's data on this, but I'm wondering, it sounds like
24 wolves are pretty tough to hunt? So I'm wondering how
25 much of an impact would hunting wolves have on the

1 population? Maybe this has been done in other states,
2 I don't know. I'm not a wolf expert.

3 MR. BAKER: Well, I have to
4 explain -- and this goes to all the comments about
5 wolves, that, you know, I'm the state endangered
6 species coordinator. The wolf is no longer endangered
7 or a threatened species, and so all things wolf are
8 outside of my area of responsibility. So the short
9 answer is that I don't know the answer to that. That's
10 really not an area in which I work. I can give you the
11 name of our DNR wolf biologist. His name is Dan Stark.
12 And I would encourage you to correspond with him to get
13 answers to questions like that that I really don't know
14 the answer to.

15 MR. BUSH: Okay. Is that in
16 St. Paul?

17 MR. BAKER: Yeah, I can give us his
18 e-mail address.

19 MR. BUSH: Okay. Thanks.

20 THE HEARING OFFICER: Thank you very
21 much.

22 MR. BUSH: Yep.

23 THE HEARING OFFICER: Is there
24 anyone else who would like to speak tonight who hasn't
25 had the chance? Going once, going twice. Thank you

1 all very much for attending this evening. This hearing
2 is adjourned.

3 (Whereupon the meeting adjourned at
4 approximately 7:10 p.m.)

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1 STATE OF MINNESOTA)

2) SS.

3 COUNTY OF GOODHUE)

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5 Be it known that I took the meeting in the matter
6 of The proposed amendment to and repeal of rules
7 Governing Minnesota's List of Endangered, Threatened,
8 And Special Concerns Species In Minnesota Rules
9 Chapter 6134: Endangered And Threatened Species on the 30th
10 day of January, 2013;

11 That the testimony of said speakers was recorded in
12 computerized stenotype and thereafter transcribed by myself,
13 and that the testimony is a true record of the testimony
14 given by the witness to the best of my ability;

15 That I am not related to any of the parties hereto
16 nor interested in the outcome of the matter.

17

18 WITNESSED MY HAND AND SEAL THIS 4TH DAY OF FEBRUARY, 2013.

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Lisa M. Tiedeman

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