
Wisconsin Legislative Council

MINUTES



STUDY COMMITTEE ON SANDHILL CRANES

Room 417 North (GAR Hall), State Capitol
Madison, WI
December 10, 2024
10:00 a.m. – 1:10 p.m.

CALL TO ORDER AND ROLL CALL

Chair Tittl called the meeting to order and determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Paul Tittl, Chair; Sen. Romaine Quinn, Vice Chair; Rep. Dave Considine; Sen. Mark Spreitzer; and Public Members Rick Gehrke, Tamas Houlihan, Meleesa Johnson, Anne Lacy, David Mickelson, Benjamin S. Sedinger, Todd Schaller, and Paul Wait.

COUNCIL STAFF PRESENT: Ethan Lauer, Senior Staff Attorney, and Ben Kranner, Senior Staff Analyst.

ATTENTION: This was the final meeting of the Study Committee on Sandhill Cranes. Committee members are requested to send any corrections regarding minutes to the Legislative Council staff. After the incorporation of any corrections, these minutes will be considered approved by the committee.
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APPROVAL OF THE MINUTES OF THE NOVEMBER 13, 2024 MEETING

Mr. Gehrke moved to approve the minutes of the study committee's November 13, 2024 meeting. The motion was seconded by Mr. Schaller and passed by unanimous consent.

DESCRIPTION OF DISTRIBUTED MATERIALS AND DISCUSSION OF COMMITTEE ASSIGNMENT

Legislative Council staff provided an overview of the meeting agenda and outlined plans for committee discussion of the revised document captioned "Summary of Findings," which previously was captioned "Findings of Facts," and the document captioned "Conclusions." Each of those documents was provided by Chair Tittl's office. Legislative Council staff also described plans for the committee to consider the bill drafts and the letter that were on the agenda, some of which were discussed at the previous meeting.

Summary of Findings and Conclusions

Chair Tittl invited committee members to provide comments on the two documents.

Representative Considine commented that this study committee was the first, in his experience, to consider documents like these. He thought the documents had served their purpose in helping the committee frame the bill drafts and the draft letter, but questioned their continued usefulness. Chair Tittl would later discuss his belief that all study committees should produce documents like these.

Representative Considine asserted that the documents omitted some ideas discussed at the previous meeting, such as whether to wait on a hunting season until the Management Plan for the Eastern Population of Sandhill Cranes (“2010 management plan”) is updated. Chair Tittl noted that a document containing input from the U.S. Fish and Wildlife Service (USFWS) regarding hunting in Wisconsin under the 2010 management plan had been posted to the committee’s website.

Senator Spreitzer agreed with Representative Considine that the Summary of Findings did not reflect certain revisions that the committee discussed at the November meeting. In particular, he noted that parts A.g. and D.a. did not mention that the 2010 management plan should have been updated every five years, but has not been; that parts C.a. and C.d. did not note that separate crane populations are managed differently and that there is a difference between threatening the population as a whole and threatening a particular population; and that part C.o. did not mention that states may take additional steps to prevent accidental whooping crane shootings. He also expressed frustration that the comments of Ms. Lacy and Jeb Barzen, Lecturer, Nelson Institute for Environmental Studies, University of Wisconsin-Madison, contained in a document posted to the committee website, were not incorporated into the Summary of Findings and were not circulated to members until the previous day. Finally, he stated that the documents were not a consensus product of the committee.

Senator Spreitzer then moved to set aside both the Summary of Findings and the Conclusions and to not adopt them. Ms. Johnson seconded the motion. The chair invited discussion on the motion.

In response to a question from Chair Tittl about whether any material had been omitted from the documents, Legislative Council staff indicated that they had deferred to the chair’s office to revise the documents. In response to various procedural questions regarding the pending motion, Legislative Council staff explained the following: (1) if the committee adopted the motion, the two documents would be set aside and the committee would proceed with other agenda items, but the documents would nevertheless be maintained as records of the committee; (2) if the committee rejected the motion, consideration of the two documents would proceed; and (3) if the committee ultimately approved the documents, they would appear in the committee’s report to the Joint Legislative Council as part of the recommendations of the committee.

Senator Quinn opined that the documents would be valuable to legislators who did not serve on the committee and thus were not familiar with the issue.

Ms. Johnson indicated that the documents are best characterized as one person’s notes on the proceedings, but that the committee’s official proceedings are contained in the minutes and the invited speaker’s presentations. Representative Considine later echoed the concern that the documents are notes and not a product of Legislative Council staff.

Senator Spreitzer stated that he wished the documents had been pared back to remove controversial items in order to achieve consensus. Legislative Council staff also addressed questions regarding the committee’s records and how the documents would be retained in a manner similar to other materials presented to the committee.

Mr. Wait inquired if any specific items in the documents were problematic. Representative Considine stated that the nature of the documents was a bigger problem than any particular item. Mr. Schaller contrasted the nature of the Summary of Findings with the Conclusions, and asked whether there was value in separating consideration of the two. Senator Spreitzer indicated that if his motion failed, he would be prepared to move to set aside the Summary of Findings so that the committee could focus on the Conclusions.

Senator Spreitzer moved, seconded by Ms. Johnson, to set aside the documents captioned "Summary of Findings" and "Conclusions." The motion failed on a vote of Ayes, 5 (Sen. Spreitzer; Rep. Considine; and Public Members Johnson, Lacy, and Mickelson); Noes, 7 (Rep. Tittl; Sen. Quinn; and Public Members Gehrke, Houlihan, Schaller, Sedinger, and Wait).

Senator Spreitzer moved, seconded by Ms. Johnson, to set aside the document captioned "Summary of Findings." The motion failed on a vote of Ayes, 5 (Sen. Spreitzer; Rep. Considine; and Public Members Johnson, Lacy, and Mickelson); Noes, 7 (Rep. Tittl; Sen. Quinn; and Public Members Gehrke, Houlihan, Schaller, Sedinger, and Wait).

The chair invited further discussion or motions on the Summary of Findings and Conclusions. Senator Quinn moved to approve them and to add the Summary of Findings and Conclusions in the official record of the committee. Mr. Gehrke seconded the motion. The chair invited discussion on the motion.

Ms. Lacy asked whether it was possible to include in the Summary of Findings a reference to the separate document that she had submitted with notes and comments on the Findings of Facts document that was discussed at the November meeting. At the invitation of Chair Tittl, Legislative Council staff affirmed that the committee could amend the Summary of Findings to include such a reference. Senator Quinn stated that he was not opposed to adding to the committee's records a "red line" document showing the revisions that had been made when the Findings of Facts document was converted to the Summary of Findings document, but was opposed to adding a new document yet to be written. Ms. Lacy clarified that she meant the document she had previously submitted and not a new document yet to be written. In response to a question from Chair Tittl, Legislative Council staff affirmed that the document submitted by Ms. Lacy had been posted to the committee's website and was part of the records of the committee. Senator Spreitzer countered that having Ms. Lacy's document included in the committee's records without also voting on it did not elevate it to a product of the committee.

In response to a question from Senator Spreitzer, Legislative Council staff indicated that if the committee wanted to amend the Summary of Findings and Conclusions documents, it could reject the pending motion to approve them. Senator Spreitzer urged a negative vote so that the committee could continue to work on modifying the documents.

Senator Quinn moved, seconded by Mr. Gehrke, to approve the documents captioned "Summary of Findings" and "Conclusions." The motion was approved on a vote of Ayes, 7 (Rep. Tittl; Sen. Quinn; and Public Members Gehrke, Houlihan, Schaller, Sedinger, and Wait); Noes, 5 (Sen. Spreitzer; Rep. Considine; and Public Members Johnson, Lacy, and Mickelson).

DESCRIPTION OF BILL DRAFTS, LETTER, AND MEMOS, AND DISCUSSION OF COMMITTEE ASSIGNMENT

Chair Tittl and Legislative Council staff facilitated a discussion of the committee's assignment, including consideration of bill drafts. The discussion also considered memos prepared by Legislative Council staff and the Legislative Fiscal Bureau (LFB), as well as information submitted by the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Natural Resources (DNR).

Letter to Migratory Bird Permit Office, Region 3, USFWS

Chair Tittl reminded the members that a final version of the draft letter discussed at the November meeting had been prepared, and that members could choose to sign it before departing for the day. Legislative Council staff explained that the final version of the letter included a signature line for each member, rather than signature lines for only the chair and vice chair, and that it also included a committee membership roster as an attachment.

LRB-0604/P3, relating to sandhill crane damage reimbursement program and making an appropriation

Chair Tittl invited committee discussion on LRB-0604/P3. Senator Spreitzer indicated that Mr. Mickelson had suggested narrowing the definition of "seed coating" in the bill draft so that it applied only to a product registered for use as a crane repellent. Hearing no disagreement from other members, he then moved that the committee adopt that change. Legislative Council staff suggested that, rather than taking votes on individual modifications, the committee might instead discuss all desired changes first. After gauging which changes had sufficient support, all of those could be included in a single motion to recommend introduction of the bill draft, with specified changes. Senator Spreitzer agreed to withhold his motion.

The committee then discussed administrative costs for the program. Senator Spreitzer inquired of Legislative Council staff whether DATCP could use the appropriation in the bill draft to cover its administrative costs. Senator Spreitzer thought that was the committee's intent, but that DATCP had raised doubts about its feasibility. Legislative Council staff indicated that, based on DATCP input and discussions with LFB, DATCP likely could use the appropriation in the bill draft to cover its costs, but that directly providing for administrative costs in a different budget line was preferential from an accounting perspective. Legislative Council staff noted that one advantage of providing a separate appropriation for administrative costs was that the committee could establish a limit on the amount that DATCP could use for that purpose.

Senator Spreitzer asked Chair Tittl if he had a preferred approach to address administrative costs. Chair Tittl then asked Senator Quinn for his thoughts. Senator Quinn indicated that although the committee could determine how administrative costs are addressed within a bill draft, this could be changed when the bill draft was redrafted for introduction in the next legislative session. Legislative Council staff clarified that legislation recommended by study committees is not redrafted in the following session. Rather, the Joint Legislative Council typically votes to introduce study committee bills, and these bills then proceed through the typical legislative process.

Legislative Council staff advised that, if the committee agreed to provide the approximately \$85,000 in administrative costs sought by DATCP, it could either provide that amount in addition to the amounts in the bill draft, or make an offsetting reduction in those amounts. Finally, Legislative Council staff indicated that DATCP had also requested a position to administer the program. Mr. Mickelson

expressed concern that the appropriation in the bill draft for reimbursements might be reduced during budget negotiations, and so it made sense to provide for the administrative costs separately. He also expressed support for providing DATCP with the position authority.

Mr. Gehrke sought clarification of whether the bill draft limits reimbursements to a rate of \$12.50 per acre, which could be problematic if the price per acre for seed coating increased over time. Chair Tittl and Mr. Mickelson indicated that the bill draft limits reimbursements by total dollar amount, \$6,250 per applicant, and not by a given price per acre. Ms. Johnson stated that establishing a fixed reimbursement amount, without allowing for adjustments to account for inflation, could lead to insufficient reimbursements to farmers in the future. Chair Tittl noted that the overall appropriation could be reviewed by the Legislature in each biennial budget. Mr. Gehrke asked Ms. Lacy whether any other companies are developing a seed coating product. She indicated no, but that the patent held by the current manufacturer may soon expire, meaning that generic seed coatings might enter the market.

Legislative Council staff facilitated discussion of three other issues raised by DATCP: (1) the need for rulemaking authority to implement the program, along with either a delayed effective date to provide time for the rulemaking process or emergency rulemaking authority to expedite that process; (2) clarification in the bill draft of the meaning of “applicants that have experienced or are likely to experience” damage from cranes; and (3) clarification in the bill draft of the meaning of “applicable conservation organizations.”

Regarding item (3), Ms. Lacy expressed support for leaving the class of “applicable conservation organizations” open to future expansion or contraction, rather than specifying in the bill draft which organizations are applicable.

Senator Spreitzer suggested that providing DATCP with rulemaking authority could address all three concerns. Mr. Mickelson concurred. Senator Quinn expressed reluctance to grant the agency too much discretion. Ms. Johnson countered that a certain amount of trust should be placed in administrative agencies, and noted that the definition of “applicable conservation organizations” could cover county conservation organizations. As a compromise, Senator Spreitzer suggested that the grant of rulemaking authority could be narrowed to enable DATCP to address issues involving the prioritization of reimbursements, and thus facilitate resolution of items (2) and (3).

Legislative Council staff noted that the bill draft does rank the three priority categories of eligibility. Legislative Council staff inquired whether the bill draft should direct DATCP how to prioritize the pool of applicants who had not received reimbursement as priority applicants. Mr. Mickelson suggested that the applications be processed in the order received, rather than at random or by proration. Chair Tittl agreed.

Senator Spreitzer then offered the motion detailed below. Mr. Mickelson seconded the motion. Chair Tittl invited discussion on the motion.

Various members expressed opposition to the motion. Senator Quinn stated that, although he supported all of the changes in the motion, he did not support the bill draft because it was not a comprehensive approach. Rather, he expressed support for LRB-0815/P1. Mr. Wait echoed those comments and noted that LRB-0604/P3 does not further the goal of the committee, which was to recommend legislation to manage the sandhill crane population. Chair Tittl expressed doubt that this bill draft could achieve passage in the Legislature and voiced support for LRB-0815/P1 instead. He also noted that although LRB-0604/P3 helps corn farmers, who suffer approximately 48 percent of sandhill crane crop damage, it does not help other farmers. Mr. Gehrke concurred with both Mr. Wait’s comments and Chair Tittl’s comments. Mr. Houlihan stated that the organization to which he belongs

had instructed him to support only LRB-0815/P1. Senator Quinn indicated that various farm advocacy groups oppose LRB-0604/P3.

Senator Spreitzer countered that a hunting bill had not been enacted in the last 10 years and was unlikely to be enacted in the next two years. Therefore, LRB-0604/P3 was worthy of support to ensure that at least one viable option is advanced from the study committee to the Legislature. Ms. Johnson concurred. She asserted that part of the committee's mission was to assist agricultural producers with crop damage and that this bill addressed that issue. She also noted that helping farmers who suffer 48 percent of the damage is a good start to addressing the overall problem. Ms. Lacy concurred with that view. She also stated that creating a hunting season will not help farmers with crop damage. As an alternative, she suggested opening the Wildlife Damage Abatement and Claims Program (WDACP) to crane damage without establishing a hunting season. Senator Quinn expressed opposition to that approach. Representative Considine expressed some uncertainty about his views toward the hunting bill drafts. He noted that many of his constituents oppose sandhill crane hunting, and that if the committee advanced only bill drafts that authorize hunting, they were unlikely to become law.

Mr. Mickelson asked the legislator members of the committee whether a study committee bill carried more weight in the Legislature than a bill authored by an individual legislator. Chair Tittl felt that he valued study committee bills, but that it was a matter of opinion among each legislator. Senator Spreitzer noted that there are several steps in the legislative process where legislation can be stalled, and that ultimately, majority leadership in the Legislature and the Governor have the greatest sway. Representative Considine asserted that the strongest study committee bills are those that achieve committee consensus, not simply majority support. In reply, Chair Tittl countered that there had been instances where unanimous study committee bills did not become law.

Senator Spreitzer moved, seconded by Mr. Mickelson, to recommend introduction of LRB-0604/P3, with the following changes: (1) provide DATCP with an appropriation of \$85,000 for administrative costs; (2) move appropriations for the reimbursement program to s. 20.115 (7), Stats., as requested by DATCP; (3) provide DATCP with 1.0 full-time equivalent (FTE) position to administer the program; (4) amend the definition of "seed coating" to confine it to a product that is registered for use on corn seed as a crane repellent; (5) specify that payments to other eligible applicants under s. 93.67 (2) (e), Stats., must be made in the order that applications are received; (6) provide DATCP with rulemaking authority to establish the prioritization of reimbursement payments under s. 93.67 (2) (d), Stats., including specifying applicable conservation organizations under s. 93.67 (2) (d) 3., Stats.; (7) provide DATCP with rulemaking authority to establish criteria to determine whether an eligible applicant has experienced, or is likely to experience, seed or crop damage from sandhill cranes under s. 93.67 (2) (e), Stats.; and (8) authorize DATCP to issue the foregoing rules as emergency rules. The motion failed on a vote of Ayes, 5 (Sen. Spreitzer; Rep. Considine; and Public Members Johnson, Lacy, and Mickelson); Noes, 7 (Rep. Tittl; Sen. Quinn; and Public Members Gehrke, Houlihan, Schaller, Sedinger, and Wait).

LRB-0815/P1, relating to hunting of sandhill cranes, programs related to sandhill crane damage, and making an appropriation

To open the discussion of LRB-0815/P1, Chair Tittl suggested that the committee carry forward to this bill draft each of the changes that were included in the motion regarding LRB-0604/P3.

At the suggestion of Senator Spreitzer, Legislative Council staff highlighted how the hunting-related portions of LRB-0815/P1 differed from the hunting bill considered at the prior meeting, LRB-0591/P1. In response to a question from Senator Quinn about whether other states require a hunter to pass an annual sandhill crane test, Legislative Council staff noted that at least two states, Tennessee and Kansas, require it.

Legislative Council staff also brought to the committee's attention the fact that LRB-0815/P1 could create overlap between the existing WDACP and the seed coating reimbursement program created in the bill draft, which was also noted in Legislative Council, *Preliminary Bill Draft Options for Committee Discussion*, Memo No. 3 (December 3, 2024). An agricultural producer might be eligible for assistance under both programs, and Legislative Council staff indicated that the committee could modify the bill draft to address this situation if it wished.

Citing the committee scope statement, Mr. Schaller argued that LRB-0815/P1 was the only bill draft that responded to the committee's charter in a comprehensive manner. He inquired whether the limitation on a person receiving only one sandhill crane hunting permit per season was desirable, because situations could arise where there were more permits available than applicants. Mr. Wait stated that in some states, a person may be awarded two sandhill crane tags. Legislative Council staff, after noting that federal regulations might prohibit the transfer of a permit from one person to another, noted that even though the bill draft limited a person to one permit, DNR could set the bag limit under each permit to compensate for fluctuations in supply and demand.

Mr. Schaller suggested that the committee remove from the bill draft the provision allowing reciprocity for another jurisdiction's hunter education course. Ms. Lacy agreed that education programs in other locations that did not have both sandhill cranes and whooping cranes should not qualify for reciprocity. Mr. Wait also expressed support.

Senator Spreitzer relayed concerns identified by DNR that bifurcating wildlife damage surcharges between residents and nonresidents further complicated the licensure process, and that creating a separate appropriation for sandhill crane management was a departure from how the agency currently manages populations. Asked by Chair Tittl for a reaction to those concerns, Legislative Council staff expressed a willingness to review DNR's comments, and suggested that the committee could delay the effective date of the wildlife damage surcharge increases to allow DNR additional time to implement the newly bifurcated amounts.

Senator Quinn inquired of committee members who harbored reservations about a hunting season whether there were any provisions that could be added to the bill draft to soften their opposition, such as additional education or protections for other bird species. Senator Spreitzer expressed appreciation for Senator Quinn's approach. He opined that a sandhill crane hunting season is not necessary to properly manage the species, but that it was probably feasible to hold a hunting season without adversely affecting the population. However, he noted that a poll of his constituents on sandhill crane hunting showed opposition by a three to one margin, and that he would cast his vote accordingly. Ms. Lacy appreciated the committee's efforts to minimize the likelihood that breeding cranes are disproportionately hunted, but expressed both doubt about the efficacy of that approach and a desire to have that certainty before allowing a hunt. Ms. Johnson reiterated that there was no biological evidence to require or prohibit a hunt, but expressed doubt about what problem the committee was trying to solve. She noted that the sandhill crane population had greatly changed since the 2010 management plan was written and that the population goal in that document was arbitrary and not science-based. She expressed opposition to a bill draft that did not, at a minimum, delay its implementation until the 2010 management plan had been updated. In response, Mr. Wait drew the committee's attention to the

input provided by David P. Scott of USFWS, that his federal agency was not concerned that a Wisconsin hunt would harm the sandhill crane population.

To follow up on comments made earlier when responding to Mr. Schaller's questions, Legislative Council staff noted for the committee that the 2023-24 federal migratory bird hunting regulations appeared to prohibit the transfer of a sandhill crane hunting permit from one person to another. The bill draft, on the other hand, allows transfer in certain situations, such as to a minor or upon a person's death. Legislative Council staff therefore suggested that the committee could allow transferability in the bill draft only to the extent permissible under federal law.

Senator Quinn offered the motion detailed below. Mr. Gehrke seconded the motion. Chair Tittl invited discussion on the motion.

Mr. Schaller urged support for the motion even if consensus could not be reached. He noted that USFWS's view should be given weight, and that that agency says that science supports a hunt. He argued that the provision of the Wisconsin Constitution guaranteeing a right to hunt further supported the establishment of a sandhill crane hunt. Finally, he indicated that he would not support a sandhill crane hunt if he believed that doing so would jeopardize the sandhill crane population.

Mr. Mickelson expressed doubt that a hunting season would help reduce crop damage, but also that he wanted the committee to accomplish something to assist farmers. He expressed concern that the Legislature would remove the seed coating reimbursement program from this bill draft, and sought input from the legislators whether this concern was legitimate. Senator Quinn opined that, based on discussions with other Senators in his caucus, each of the other two bill drafts would be more difficult to pass than LRB-0815/P1. Chair Tittl concurred.

Mr. Wait noted that the bill would raise an additional \$1.3 million annually for WDACP, upon initiation of a hunting season, and \$126,750 for crane management. Mr. Mickelson sought clarification whether all of that \$1.3 million would be used for actual abatement and claims versus administrative costs. Legislative Council staff stated that DNR's administrative costs would come out of WDACP program revenue, and that DNR had recently suggested that a 2021 fiscal estimate of \$35,000 likely underestimated annual administrative costs. Under a new estimate, DNR indicated that administering sandhill crane damage under WDACP would cost approximately \$140,000 annually. Following a question from Senator Spreitzer, Legislative Council staff also provided information from a DNR fiscal estimate that was prepared for 2021 legislation relating to sandhill crane hunting.

Ms. Lacy noted that a population estimate in 2024 showed a reduction of sandhill cranes in the Mississippi Flyway of about 30,000 from the 2023 estimate. She noted that that was most likely not an accurate count, and that it demonstrates the need to more accurately determine the population of cranes in Wisconsin before contemplating a hunting season.

Senator Quinn moved, seconded by Mr. Gehrke, to recommend introduction of LRB-0815/P1, with the following changes: (1) provide DATCP with an appropriation of \$85,000 for administrative costs; (2) move appropriations for the reimbursement program to s. 20.115 (7), Stats., as requested by DATCP; (3) provide DATCP with 1.0 FTE position to administer the program; (4) amend the definition of "seed coating" to confine it to a product that is registered for use on corn seed as a crane repellent; (5) specify that payments to other eligible applicants under s. 93.67 (2) (e), Stats., must be made in the order that applications are received; (6) provide DATCP with rulemaking authority to establish the prioritization of reimbursement payments under s.

93.67 (2) (d), Stats., including specifying applicable conservation organizations under s. 93.67 (2) (d) 3., Stats.; (7) provide DATCP with rulemaking authority to establish criteria to determine whether an eligible applicant has experienced, or is likely to experience, seed or crop damage from sandhill cranes under s. 93.67 (2) (e), Stats.; (8) authorize DATCP to issue the foregoing rules as emergency rules; (9) remove provisions allowing reciprocity for a hunter education program completed in another jurisdiction, thus requiring the completion of a Wisconsin hunter education program; and (10) allow a sandhill crane hunting permit to be transferred from one person to another only to the extent allowable by federal law. The motion was approved on a vote of Ayes, 8 (Rep. Tittl; Sen. Quinn; and Public Members Gehrke, Houlihan, Mickelson, Schaller, Sedinger, and Wait); Noes, 4 (Sen. Spreitzer; Rep. Considine; and Public Members Johnson and Lacy).

LRB-0591/P4, relating to hunting of sandhill cranes, wildlife damage abatement assistance and claim payments for damage caused by sandhill cranes, and making an appropriation

At Chair Tittl's urging, and with the support of Senator Quinn, the committee took no action on LRB-0591/P4.

ADJOURNMENT

Following discussion of the committee's assignment, Chair Tittl and Legislative Council staff reminded the committee of the next steps in the process. Legislative Council staff noted that committee members would receive a mail ballot to confirm the final version of the bill draft that the committee voted on. Following the mail ballot, a report of the committee's activities and recommendations would be prepared and submitted to the Joint Legislative Council.

Chair Tittl thanked the committee members for their service and the time they devoted to the committee process.

The meeting adjourned at 1:10 p.m.

EL:BK:kp;jal