

## Legislative Council Study Committee on Sandhill Cranes: 10-1-2024

1. In the initial briefing paper to the committee, Leg. Council has indicated the DNR may already have the authority to establish a season without legislative direction. The Committee would benefit from a greater understanding of this issue as it considers whether to propose a hunting season.
  - a. Does the DNR agree with Leg. Council staff's contention that the DNR has the authority to establish the sandhill crane as a game bird? If they agree, why haven't they established such a hunt?

No. In order for the department to bring a Wisconsin sandhill crane hunting season for assessment and approval through the federal flyway process, legislation would be needed to establish a unique sandhill crane hunting license/permit and associated fees. Legislation would also likely need to establish a limited draw permit system to fulfill the federal requirement that permits be issued on a limited basis. Furthermore, legislation would likely be needed in order to require hunters to complete a sandhill crane hunter education course which, to comply with federal requirements, must include information on species identification.

- b. Specifics will be needed to develop the draft legislation should the committee deem it appropriate to do so. What does the DNR require in any hunt-enabling legislation in order to move forward with necessary authority and resources addressed?

The creation of a hunting season for any new species is often multi-faceted. With respect to sandhill cranes specifically, any legislation and related rules must comply with federal migratory bird laws. The department welcomes the opportunity to review and provide feedback on draft legislation in the future to ensure all necessary considerations are addressed.

Draft legislation may need to accomplish the following:

- Create a unique sandhill crane hunting license and permit.
- Establish fees for sandhill crane hunting licenses and permits and any associated applications.
- Clarify what activities a sandhill crane hunting license allows the holder of the license to do (hunt sandhill cranes, with possible restrictions on methods).
- Provide that the department may only authorize the hunting of sandhill cranes when permitted to do so by the United States Fish and Wildlife Service (USFWS).
- Provide that the department may limit the number of available licenses and the number of cranes to be harvested.
- Establish the system by which licenses should be issued if demand for licenses exceeds availability (e.g. preference point system, random lottery, etc.)
- Provide that the department require hunters (including those who are not successful) to provide information as may be required by the USFWS.

- Direct the department to hold a sandhill crane hunter education program and provide that no person may hunt a sandhill crane unless that person has obtained a certificate of accomplishment from the department, similar to elk. To meet federal requirements, the course would include instruction on sandhill crane identification.
  - Establish penalties for violations, as needed.
  - Clarify whether transfers of permits are allowed (the department supports allowing transfers to minors, disabled persons and to persons upon death, but recommends against other transfers).
  - Provide an initial appropriation to fund damage claims, along with a continuing source of funds.
  - Provide that the department may implement the legislation through emergency rulemaking without needing to make a finding of emergency. Because the federal process requires a lead time of at least 12 months, any deadlines associated with an emergency rule would need to be generous.
- c. Simultaneously, what questions would need to be addressed/ incorporated into the legislation, to provide flexibility the DNR might require to address any unique aspects of implementing this limited harvest on a species with unique life cycle? As one example, how important to the migratory life cycle of these birds?

The federal Eastern Population Sandhill Crane Management Plan identifies that—subject to annually-established federal frameworks—states will determine the season length, season dates and hunting zones, along with the number of permits to be issued. It would be important that the department have the flexibility to determine all of these factors as to ensure we are considering the unique aspects of this species life cycle. Further, all of these regulatory factors could change as the population changes or as the birds move on the landscape, so the ability to alter frameworks may be critical for properly managing this species in a scenario where limited harvest occurs.

- d. What rough DNR implementation costs are reasonably foreseeable to implement a hunt and how should those costs be covered?

The costs of implementing a hunt would depend on the specifics of the legislation and associated rule making/policy development on implementation of a hunting season and appropriate staffing resources for adequately doing so. Costs included in such a calculation would include staff time for monitoring the population status of sandhill cranes, development of a management program and potentially an associated plan, development and distribution of an annual hunter questionnaire and associated analyses of results, staff time to develop and implement rules, development of associated public facing web content and licensing tools, staff time to implement the application, development of educational materials on identification and other materials for hunters, other associated communication materials and efforts, administrative and legal reviews of the season, training of law enforcement staff and customer service staff, etc. Without a clearer picture of what the potential statutory language would be, it would not be possible to give such an estimate.

2. The DNR has created management plans for all manner of native species, including bear, turkey, waterfowl, wolf, the greater prairie chicken, sharptail grouse and more. While most are game species, not all are hunted. Given the numbers of SHC in the state, the interest of hunters and eco-tourism proponents, the impact on farmers, - what is the DNR's thinking on developing a management plan for the Sandhill Crane?

A management plan is not a federally-required prerequisite to authorizing the hunting of sandhill cranes. Wisconsin sandhill cranes have benefited from general wildlife habitat management and as identified in the federal Eastern Population Sandhill Crane Management Plan, Wisconsin also monitors population changes through both spring and fall surveys.

3. The committee would benefit from an understanding of how the DNR would structure such hunt management, and what relevant experiences they bring to bear that would give the committee confidence of sound management of a sandhill crane hunt.

- a. How would the DNR establish a crane hunt application lottery and provide tags to lottery winners of such a lottery? What would the associated cost be? Would those costs be offset by a hunter user fees?

When the number of people who want to participate in a particular hunting or fishing activity is greater than opportunity that is available, the department conducts a drawing of applicants to select approval winners. These drawings allow the department to distribute the opportunity in a way that people perceive is fair and equitable. Each of these drawings, detailed procedures, preference categories, and fees are established in the following statutes:

1. Canada geese, sharp-tailed grouse, bobcat, fisher, otter, beaver, and lake sturgeon are authorized under S. 29.192.
2. Bear hunting permits are established under s. 29.184.
3. Wild turkey hunting permits are established under s. 29.164.
4. Wolf hunting and trapping permits are established under s. 29.185.
5. Special deer hunting permits (Hunter's Choice Permits) are established by s. 29.177.
6. Elk hunting permits are established under s. 29.182.

Fees associated with the drawings have been established in Subchapter III of Ch 29. Wis Stats. and are dedicated for a variety of purposes, including covering the costs to administer the drawings, species management, research, or reimbursement of damage associated with the species.

- b. How would the state's current migratory bird management incorporate a crane hunt? What would the structure look like?

Any state-administered sandhill crane hunting season must comply with annually determined federal frameworks, making it difficult to say what a season would look like.

However, such a season would need to include the following federally-required components at a minimum:

1. Robust fall monitoring efforts, as the statewide fall sandhill crane survey estimate determines the number of permits that can be requested.
  2. A maximum 60-day hunting season occurring no earlier than September 1 and ending no later than January 31.
  3. State-identified zones to maximize/minimize harvest opportunity on sandhill cranes or to minimize potential conflict with whooping cranes.
  4. Incorporate a mandatory sandhill crane identification course for successful lottery draw applicants prior to allowing them to purchase a sandhill crane hunting permit.
  5. Incorporate per the requirement of the Eastern Population Sandhill crane Management Plan a mandatory harvest registration or harvest questionnaire to assess: (a) number of days hunted for sandhill cranes, (b) whether a sandhill crane was harvested, (c) date and location of harvest, and (d) how many sandhill cranes were wounded but not retrieved.
- c. How does the DNR envision its current migratory gamebird population counts, and science-informed management would incorporate sandhill cranes under a state hunt?

The department participates in federally-structured sandhill crane counts as a part of the spring waterfowl breeding survey and a sandhill crane migration survey in the fall. The spring waterfowl survey provides an index for sandhill cranes residing in the state during April and May and likely represents a local population. The fall migration survey in November captures an index of cranes from throughout their breeding range that are staging and migrating through Wisconsin. As identified within the USFWS Eastern Population of Sandhill Crane Management Plan, the fall migration survey index is the metric that would be used to determine the number of hunting permits a state can request, however both spring and fall monitoring efforts will remain critical to managing sandhill cranes.

- d. How would the DNR implement practices to avoid a licensed sandhill hunter from mistakenly taking a whooping crane?

The department may structure hunting season dates, season length and zones to limit the opportunity for a licensed sandhill crane hunter to mistakenly shoot a whooping crane if that was identified as necessary. Additionally, as identified above per 3(b)(i)(4) a sandhill crane identification course/test is required under federal law to be completed by successful lottery draw applicants prior to purchasing a sandhill crane permit. The DNR would also continue to work with partners to provide information and education to avoid any and all non-authorized take of any species within a sandhill crane hunting season. Lastly, the DNR provides education and outreach to waterfowl hunters to seek to prevent accidental shooting of trumpeter swans which also includes messaging that other large white birds, including American white pelicans and whooping cranes, are also illegal to hunt. A similar example of hunter education for another species, the department currently requires elk hunters to take an education course on species identification via the Elk Hunter Education Program as identified in 29.595 in order to be eligible for a license.

4. The idea of a crane stamp has been floated to help offset sandhill crane costs in the state. The committee would benefit from an understanding of how current migratory gamebird species' stamp funds are created under legislation and how the funds are used. Please provide specifics on how the state waterfowl stamp provides funding to the DNR to restore habitat, as one part of funding provided by hunters to the state. Please also explain state involvement regarding Pittman Robertson, and federal waterfowl stamp.

As with all other species related hunting stamps, legislation has created those stamps, determined the cost of those stamps and identified how the funds generated from the purchase of stamps will be allocated. The process for how state waterfowl stamp funds are allocated is: (a) by state statute 1/3 of the money generated from the state waterfowl stamp is sent to Canada for habitat management and 2/3 of the money is used within state for habitat management, (b) every biennium a process is initiated by the department where both Canadian and Wisconsin habitat projects are submitted for review and ranking to the Migratory Advisory Committee. The advisory committee recommendations are approved by DNR wildlife leadership and funds are allocated according to the projects that were approved.

The federal waterfowl stamp is not required to hunt sandhill cranes and federal waterfowl stamp funds are not managed or allocated by the department.

Pittman-Robertson (PR) funds apportioned to Wisconsin are used for a variety of habitat management activities in the state, including for waterfowl habitat management. Additionally, PR funds can be used for capital development projects to complete wetland infrastructure projects (dams, dikes, etc.) that support wetland habitats.

5. Does the DNR have any policy or thoughts regarding the opening of the WDACP fund to sandhill crane damage if a hunt were legislated?

Sandhill cranes would be added to WDACP if a hunt were to be authorized, per Wis. Stat. 29.889(1) (e): *Sandhill crane if hunting of sandhill cranes is authorized by the department*, unless the authorizing legislation modified this statute.

Adding sandhill cranes to the WDACP is anticipated to add significant expenditures to the program, potentially exceeding annual revenues. Additional funding would be critical to prevent proration of wildlife damage claim payments to producers and to maintain program solvency. Additional expenses are expected for the following program services:

- Abatement – Under NR12.35(5) Wi Admin Code, the WDACP covers the cost of abatement materials and supplies including repellents. The use of the Avipel repellent is currently the primary abatement implemented for sandhill crane damage to corn with, as of 2019, enough Avipel being purchased to treat 160,000 acres of corn at a cost of \$10/acre. Shooting permits and pyro-techniques are other forms of abatement that would be considered to be provided to producers through the WDACP.
- Damage Compensation – Approximately 180 agriculture damage complaints are received annually claiming damages to a variety of crop types. Damages to corn and potatoes are reported most frequently and are reported to total approximately \$1.5 to \$1.6 million dollars annually. Considering the statutory claim deductible and claim limitations (s29.889(7).) of a \$500

deductible and \$10,000 compensation limit, compensation paid to producers is expected to be significant.

- Administrative Costs - Approximately 180 agricultural producers report sandhill cranes conflicts annually. If these producers enroll in the WDACP, additional staff would be needed to perform the administrative functions of the program including enrolling producers, providing abatement assistance, conducting crop appraisals, and preparing damage claims.