
Wisconsin Legislative Council

MINUTES



STUDY COMMITTEE ON SANDHILL CRANES

Room 411 South, State Capitol
Madison, WI
September 4, 2024
10:00 a.m. – 1:15 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, Todd Schaller, Ben Sedinger, and Paul Wait.

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

APPEARANCES: Brad Koele, Wildlife Damage Specialist, Bureau of Wildlife Management, Wisconsin Department of Natural Resources (DNR); Dan Hirschert, State Director and Certified Wildlife Biologist, Wildlife Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture; Rick Gehrke, Farmer and Board Member, Wisconsin Corn Growers Association; and Robby Personette, Director, Bureau of Agrichemical Management, Department of Agriculture, Trade and Consumer Protection (DATCP).

APPROVAL OF THE MINUTES OF THE AUGUST 1, 2024 MEETING

Ms. Johnson moved to approve the minutes of the study committee's August 1, 2024 meeting. The motion was seconded by Representative Considine and passed by unanimous consent.

PRESENTATION BY BRAD KOELE, WILDLIFE DAMAGE SPECIALIST, BUREAU OF WILDLIFE MANAGEMENT, DNR

Mr. Koele delivered a presentation on the nature and extent of crop damage caused by sandhill cranes, damage abatement measures, and the role of various agencies in addressing damage. To begin, Mr. Koele discussed the cooperative services agreement between the DNR and the U.S. Department of Agriculture's Wildlife Services program (USDA-WS), noting that DNR directs complaints regarding crane damage to USDA-WS. Mr. Koele also provided information regarding the nature and number of crane-related crop damage complaints, as well as the reported value of these complaints. Mr. Koele

emphasized that the value of crane-related damage recorded by USDA-WS is self-reported by producers and is not verified through appraisals conducted by DNR or USDA-WS.

In his presentation, Mr. Koele also discussed various nonlethal damage abatement measures, including harassment and Avipel, a seed treatment used to prevent damage to corn. He also discussed Migratory Bird Depredation Permits, issued by the U.S. Fish and Wildlife Service, and the requirements that must be met before a farmer may obtain such a permit.

Mr. Koele outlined the administration and funding of DNR's Wildlife Damage Abatement and Claims Program (WDACP), noting that crane-related damage and abatement is not compensable under the program unless a sandhill crane hunt is authorized. He also outlined factors to consider if crane-related damage was to be included in the program, including administrative costs and the potential need for statutory changes to allow the program to support proactive (rather than reactive) abatement measures.

Following his presentation, Mr. Koele addressed questions from committee members on a range of topics. In response to questions relating to program funding, he noted the following: WDACP does not utilize federal funding, outside of a cost-share for certain staff services provided by USDA-WS; no other state, to his knowledge, compensates farmers for wildlife damage to crops; and WDACP revenue is available for all types of eligible damage (for instance, the use of revenue from bonus antlerless deer permits is not limited to deer-related crop damage). He also reiterated that WDACP does not provide abatement or claims assistance for crane-related damage at this time, and that USDA-WS provides only technical assistance.

In response to questions relating to Avipel, Mr. Koele noted the following: the cost of Avipel treatment; the benefits and limits of Avipel; the different methods of Avipel application; and uncertainty regarding Avipel's cost-effectiveness relative to the potential cost of crane-related damage claims. In response to other Avipel-related questions, Mr. Koele noted that he was not aware of any long-term health impacts of the pesticide, but that there can be issues with it gumming up machinery. He also indicated that he was not familiar with Avipel's patent and whether expiration of this patent could reduce the cost of Avipel.

In response to the conversations regarding Avipel, Ms. Lacy noted that the International Crane Foundation has conducted studies on the effectiveness of Avipel in Wisconsin, and that these studies could be shared with the committee. Ms. Lacy also indicated that Avipel is based on a natural deterrent and that cranes would not become acclimated to it. She also described how cranes may remain in a field after encountering Avipel, but that they will shift their diet in response to encountering treated seed.

In response to questions concerning crop damage, Mr. Koele noted the following: staff are generally able to differentiate between damage caused by sandhill cranes and damage attributable to other causes; it is not necessary for farmers to obtain permits to kill certain other birds that may be causing crop damage (such as blackbirds); crane damage to wheat occurs when the wheat is harvestable, rather than when it is newly planted; and WDACP does not restrict payments in situations where a farmer also receives payments through crop insurance, but crop insurance payouts typically entail catastrophic damage above and beyond the typical damage caused by wildlife. He also indicated that WDACP uses a field technical manual that provides for uniform damage assessment methods.

In response to questions relating to depredation permits, Mr. Koele discussed the following: the timing of Avipel application, when crop damage may occur, and when depredation permits may be obtained; factors that may contribute to a farmer using Avipel yet also seeking a depredation permit; and how the number of birds that may be taken under a depredation permit is determined.

PRESENTATION BY DAN HIRCHERT, STATE DIRECTOR AND CERTIFIED WILDLIFE BIOLOGIST, WILDLIFE SERVICES, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Hirschert delivered a presentation discussing damage by sandhill cranes and the implementation of the USDA-WS damage program. He discussed the abundance of Eastern Population sandhill cranes in Wisconsin, the geographic distribution of corn production in Wisconsin, and how these factors contribute to crop damage patterns. Mr. Hirschert also outlined the nature of crane-related damage (including damage to property other than crops), the effectiveness of various abatement measures, and practices relating to federal depredation permits. The presentation included data relating to the use of Avipel in Wisconsin and neighboring states (including that the repellent cannot be used in organic farming operations), the number and geographic distribution of depredation permits issued in Wisconsin, and the number of cranes taken under depredation permits.

Following the presentation, Mr. Hirschert addressed various questions from committee members. In response to questions relating to depredation permits, Mr. Hirschert noted the following: the time period for which depredation permits are valid is limited to periods when damage is occurring; the effectiveness of Avipel can lead a farmer to not seek a depredation permit in the subsequent year; crop rotation patterns may also lead farmers to not seek depredation permit renewals; most recipients of depredation permits are “repeat customers,” rather than new applicants; and factors that contribute to farmers seeking depredation permits year after year. He also discussed requirements regarding damage permits issued for wildlife other than cranes (including restrictions on the use of animals killed under depredation permits), and the potential role of the federal government in issuing depredation permits in states where sandhill crane hunting is authorized.

In response to questions regarding Avipel, Mr. Hirschert discussed the cost of Avipel treatments, the limited effectiveness of partial treatments, and limits in USDA-WS knowledge regarding the number of treated acres statewide.

In response to questions regarding crane-related damage, Mr. Hirschert noted the following: potato damage is a close second to corn damage, and that damage cost estimates only reflect the cost of lost crop and not labor that might be associated with that damage. He also discussed abatement practices relating to noncrop property damage, including abatement practices at airports.

PRESENTATION BY RICK GEHRKE, FARMER AND BOARD MEMBER, WISCONSIN CORN GROWERS ASSOCIATION

Mr. Gehrke discussed his background in agriculture and delivered a presentation on the challenges of crane-related crop damage and the use of Avipel. He presented estimates regarding the costs of crane-related damage, noting the costs and challenges associated with replanting crops, and discussed the nature of damage to corn and other crops. He also discussed damage abatement measures and expressed concerns about the possibility of cranes becoming acclimated to Avipel.

Following the presentation, Mr. Gehrke addressed various questions from committee members. In response to questions relating to Avipel, he noted the following: practices relating to seed treatment and factors that limit seed treatments (such as limited demand for Avipel and its tendency to gum up treatment machinery); human health concerns associated with handling Avipel; factors motivating Avipel use; and the potential benefits of subsidizing Avipel use. He also addressed questions regarding the nature and extent of crane-related crop damage.

Members also discussed the compatibility of Avipel with organic certification, and Ms. Lacy noted that the producers of Avipel are working towards organic certification.

PRESENTATION BY ROBBY PERSONETTE, DIRECTOR, BUREAU OF AGRICHEMICAL MANAGEMENT, DATCP

Mr. Personette presented to the committee on the duties and responsibilities of DATCP with respect to the regulation of pesticides. He detailed the department's role in applicator certification and licensing, pesticide product registration, the investigation of complaints relating to pesticide use, and the partnership between DATCP and the U.S. Environmental Protection Agency for implementing certain laws. In discussing pesticide product registration, Mr. Personette discussed the role of special registrations and use authorizations and provided details specific to the registration of Avipel.

Mr. Personette addressed a question regarding emergency response plans for locations that store chemicals and noted that these plans are not specific to a particular product.

DESCRIPTION OF DISTRIBUTED MATERIALS

Mr. Lauer and Mr. Kranner, Legislative Council staff, delivered brief presentations describing the materials distributed prior to the meeting. Mr. Lauer discussed a memo prepared by Legislative Council staff, detailing the history of wildlife damage abatement and claims assistance in Wisconsin and recent legislation that would impact WDACP.

Mr. Lauer addressed various questions relating to motivations behind historic changes to the program, generally indicating a lack of information on this front. He also discussed the relationship between sandhill crane hunting and WDACP under current law and potential statutory changes to allow WDACP to subsidize Avipel use. Chair Tittl noted potential opposition from hunters if legislation were to use revenue from hunting license surcharges to address crane-related crop damage without authorizing a sandhill crane hunt. Mr. Wait commented that changes to WDACP in the 1980s may have been motivated by increases in the deer population, and that WDACP is able to pay for cougar-related damage even in the absence of a cougar season in Wisconsin.

Mr. Kranner discussed a memorandum prepared by the Legislative Fiscal Bureau detailing revenues and expenditures relating to WDACP and considerations relating to a potential sandhill crane hunt. He noted that reliable estimates of the value of crane-related damage are unavailable, and that expanding WDACP to address crane-related damage would increase administrative costs and the types of abatement projects and damage claims eligible for state support. He also noted that the sale of sandhill crane hunting permits would not significantly increase WDACP revenue, assuming that the surcharges associated with these permits were comparable to those associated with other hunting licenses, and that the number of permits issued in Wisconsin would be comparable to the number issued in other states that authorize the hunting of Eastern Population sandhill cranes.

DISCUSSION OF COMMITTEE ASSIGNMENT

Following presentations by Legislative Council staff, Chair Tittl discussed plans for the third committee meeting to focus on hunting.

Mr. Schaller requested information on WDACP revenue and expenditures associated with elk. He also asked about the calculation and administration of crop insurance.

Senator Spreitzer asked Legislative Council staff about potential budget shortfalls for WDACP and requested ideas for funding sources other than increases in fees paid by hunters. Mr. Kranner indicated that although drawdown may be scheduled to occur in the 2024-25 fiscal year, appropriations in future fiscal years may not accurately predict future drawdowns because DNR may elect to not expend the entirety of a given appropriation. He also indicated that he was not aware of funding models in other states, given that Wisconsin may be the only state that compensates farmers for wildlife damage.

Ms. Lacy suggested that revenue could be raised through a collectible crane stamp, even if this stamp was not associated with crane hunting.

Ms. Johnson expressed concerns regarding fee-based systems and encouraged other funding models to support conservation.

Chair Tittl expressed concerns regarding the use of fee revenue to support activities beyond the original intended purpose of a particular fee.

Mr. Schaller emphasized that programs that benefit farmers also benefit those that depend upon farmers in the broader community.

Chair Tittl noted that the committee may next meet on October 1 or October 8.

ADJOURNMENT

Chair Tittl adjourned the meeting at 1:15 p.m.

BK:kp;jal