November 17, 2025

Dear Honorable Members of the Committee on Financial Institutions and Sporting Heritage:

I write on behalf of Safari Club International ("SCI") to express support for Assembly Bill 117/Senate Bill 112. These bills align with the right to hunt enshrined in Wisconsin's Constitution, Article 1, § 26. SCI is concerned that failing to advance or vetoing a hunting season for sandhill crane infringes upon every Wisconsin citizen's constitutional rights. Further, a sandhill crane hunting season is authorized by law, and may be legally **required**, as a reasonable exercise of the Wisconsin Department of Natural Resources' ("DNR") authority to conserve cranes. This is especially important because more than 1,400 sandhill cranes are killed annually in Wisconsin under depredation permits—birds that could be lawfully hunted, for the betterment of the species and conservation overall. Any efforts to restrict or block the opening of a hunting season may violate Wisconsin statute and the constitutional right to hunt and fish.

SCI is a non-profit organization with more than 100,000 members and advocates worldwide. SCI's missions are to protect our hunting heritage, to promote wildlife conservation, and to educate the public about hunting and its role as a conservation tool. SCI is unique in having in-house attorneys who litigate mission-critical cases and review legislation that potentially impacts hunters' rights and our hunting heritage.

FACTUAL BACKGROUND

In 2024, the Wisconsin Legislative Council convened a Study Committee on Sandhill Cranes. The Study Committee was bipartisan and composed of legislators, farmers, birding groups, scientists, and hunters. The Study Committee was charged with reviewing and recommending options for legislation related to the management of Wisconsin's sandhill crane population. It was also authorized to "consider whether the [DNR] should seek federal approval to establish a hunting season for sandhill cranes."[1]

The Study Committee devoted five months to its work, meeting five times and hearing extensive testimony, including from the DNR, federal agencies, ecology experts, agricultural producers, and conservation organizations. The Study Committee discussed numerous policy options to manage Wisconsin's crane population and to address the agricultural impacts of sandhill cranes.

[1] https://docs.legis.wisconsin.gov/misc/lc/study/2024/2702/02_joint_legislative_council_recommendation_to_the_2025_26_legislature/010_lcrl_2025_04_crane.

The Study Committee then made the following findings, among others[2]:

- The sandhill crane population is extremely healthy. In North America, it exceeds 1.4 million birds. The Eastern Population, which migrates to Wisconsin, is estimated at more than 112,000 birds. This estimate is several times larger than the U.S. Fish and Wildlife Service ("USFWS") management target of 30,000 to 60,000 birds.
- In 2023, cranes caused more than $1.97 million in damage to crops in Wisconsin. 229 incidents of damage were reported, likely representing an underestimate of the actual damage. For example, corn farmers spent an additional $2 million in mitigation of the crane depredation, bringing annual farmer costs to nearly $4 million annually.
- In 2023, more than 1,400 cranes were killed under depredation permits issued by the U.S. Department of Agriculture ("USDA") and approved by the USFWS. Cranes killed under depredation permits must be left to lie, buried, or burned; they cannot be recovered and consumed.
- Sandhill cranes have been hunted in the U.S. for over six decades. They are currently hunted in 18 States, including three states in the Eastern Population (Alabama, Kentucky, and Tennessee). The USFWS "Management Plan for Sandhill Cranes" includes a goal to provide sandhill crane hunting opportunities.
- Research has shown that hunting of sandhill cranes can help constrain future population growth, which would help mitigate future agricultural damage.

Based on its review and findings, the Study Committee made the following recommendations:

- The legislature must provide direction to the DNR to establish a sandhill crane hunting season.[3]
- The legislature should enact draft bill LRB-0815/1, relating to hunting of sandhill cranes, programs related to sandhill crane damage, providing an exemption from emergency rule procedures, granting rule-making authority, and making an appropriation, as modified.[4]

[2] https://docs.legis.wisconsin.gov/misc/lc/study/2024/2702/050_december_10_2024_meeting_10_00_a_m_room_417_north_gar_hall_state_capitol/summary_of_findings.

[3] https://docs.legis.wisconsin.gov/misc/lc/study/2024/2702/050_december_10_2024_meeting_10_00_a_m_room_417_north_gar_hall_state_capitol/shc_conclusions.

[4] https://docs.legis.wisconsin.gov/misc/lc/study/2024/2702/02_joint_legislative_council_recommendation_to_the_2025_26_legislature/010_lcrl_2025_04_crane.

LEGAL ANALYSIS

The right to hunt is constitutionally protected, and any restrictions on that right must be reasonable.

The Wisconsin Constitution protects the right of citizens to hunt and fish: "The people have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law." Wis. Const. art. 1, § 26.

Wisconsin citizens' constitutional right to hunt is protected from interference by legislative or administrative fiat. Any restrictions that purport to infringe on the broad constitutional right must be "reasonable." *Wis. Citizens Concerned for Cranes & Doves v. Wisc. DNR*, 270 Wis. 2d 318, 340, 352 (2004); Wis. Const. art. 1, § 26. Under this provision, hunting rights are essentially allowed unless they are reasonably restricted. *Id.*; *accord Wis. Federated Humane Societies, Inc. v. Stepp*, 855 N.W.2d 491, 2014 WI App 90, ¶¶ 66-67 (Wis. App. July 10, 2014). This broad right is unsurprising, given Wisconsin's long-established common law right to hunt, which is limited **only** by the State's "exercise of its police power, to make all **reasonable** regulations for the preservation of fish and game within its limits." *State v. Nergaard*, 124 Wis. 414, 420 (1905) (emphasis added).

Almost half of the States protect the constitutional right to hunt and fish. Many of those provisions permit restrictions imposed by state legislation or wildlife management agency regulation.[5] Only a handful of States besides Wisconsin (Alabama, Kansas, Oklahoma, Tennessee, and Utah) limit such restrictions to those that are "reasonable." This limitation means the right to hunt is broader in Wisconsin than in many other states.

The DNR has the authority and responsibility to open a hunting season for sandhill crane, and this season is supported by the constitutional right to hunt.

Under Wisconsin statute, "game" includes "all varieties of wild mammals and birds." Wis. Stat. § 29.014(1). The Wisconsin Supreme Court has found that mourning doves fall under this broad definition. *Wis. Citizens Concerned for Cranes & Doves*, 270 Wis. 2d at 344–45. The same rationale would apply to sandhill cranes. The DNR is responsible for regulating hunting, including by opening seasons, in a way that will conserve game populations and provide Wisconsin citizens with "continued opportunities for good … hunting." § 29.014(1) (authorizing

[5] *E.g.*, as of November 2024, 24 states had constitutional provisions protecting the right to hunt and fish, including Alabama (1996, 2014), Arkansas (2010), Florida (2024), Georgia (2006), Idaho (2012), Indiana (2016), Kansas (2016), Kentucky (2012), Louisiana (2004), Minnesota (1998), Mississippi (2014), Montana (2004), Nebraska (2012), North Carolina (2018), North Dakota (2000), Oklahoma (2008), South Carolina (2010), Tennessee (2010), Texas (2015), Utah (2020), Vermont (1777), Virgina (2000), Wisconsin (2003), and Wyoming (2012). https://congressionalsportsmen.org/policy/right-to-hunt-fish-and-harvest-wildlife/.

the DNR to "establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days, and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping").

Establishing a sandhill crane hunting season would be reasonable under Wisconsin's constitutional right to hunt. It is also consistent with the DNR's authority and its **responsibility** to open a season to properly conserve the species and provide good hunting opportunities for Wisconsin citizens. The sandhill crane population is large and growing, with more than 112,000 cranes in the Eastern Population. Over half (50,000 – 60,000) of those migrate through Wisconsin.[6] Further, the crane population increases annually. The USFWS observed a staggering **19% growth rate** from 2021 to 2022.[7] The USFWS' objective for the Eastern Population of sandhill cranes is 30,000 to 60,000 birds. The current population level and growth significantly exceed this objective.

Despite having the relevant authority to establish a hunt, during the 2024 Study Committee, the DNR claimed to require legislative guidance to open a limited hunt like that anticipated for sandhill crane. Guidance would be required for license and permit costs, and any other reasonable restrictions deemed appropriate by the legislature in establishing a sandhill crane hunting season.

Several other states within the Eastern Population's range have successfully and sustainably implemented annual sandhill crane hunting seasons. Kentucky, Tennessee, and Alabama, along with other states within the range of other crane populations (*e.g.*, Texas) provide a roadmap for how Wisconsin could successfully implement a crane season that will conserve the species and improve its management.

Current management of the sandhill crane population in Wisconsin is primarily conducted through federal depredation permits. Over 1,400 birds were killed in 2023 under these permits—up 300% from the past decade. This depredation take is due to the high levels of damage caused by cranes. Producers reported damage to crops including corn, potatoes, wheat, and more, exceeding $1.97 million in damage in 2023 alone. Total farmer-borne costs jumped to $4 million

[6] https://docs.legis.wisconsin.gov/misc/lc/study/2024/2702/070_october_1_2024_meeting_10_00_a_m_room_412_east_state_capitol/020_dave_scott_presentation; https://docs.legis.wisconsin.gov/misc/lc/study/2024/2702/090_august_1_2024_meeting_10_00_a_m_horicon_marsh_education_and_visitor_center_horicon_marsh_state_wildlife_area_horicon_wi/004_sandhillcrane_informative.

[7] https://docs.legis.wisconsin.gov/misc/lc/study/2024/2702/090_august_1_2024_meeting_10_00_a_m_horicon_marsh_education_and_visitor_center_horicon_marsh_state_wildlife_area_horicon_wi/003_sb_2024_03_crane.

annually when considering the mitigation expenses corn producers expended to prevent crane damage.

A hunting season would provide the public with a new hunting opportunity, as required by § 29.014. This new opportunity would be welcomed by the sporting community in Wisconsin and surrounding states.[8] In addition, well-regulated hunting provides the State with key sources of data that can help the DNR make informed management decisions going forward. Establishing a season also will provide conservation funding for the DNR via the sale of hunting licenses and permits and the collection of excise taxes on hunting gear and firearms.

Further, it is much more reasonable to responsibly manage sandhill crane population numbers and reduce the agricultural damage they cause by hunting than by depredation permits. Cranes taken under depredation permits cannot be recovered or consumed. They are left to lie, burned, or buried, wasting a valuable game bird. It also fails to raise funds for wildlife conservation. This management scheme runs afoul of the DNR's responsibilities under Wisconsin statute.

CONCLUSION

For the above reasons, SCI believes that it is legally necessary (1) for the Wisconsin legislature to pass Assembly Bill 112/Senate Bill 117, instructing the DNR to open a hunting season for sandhill crane; (2) for the DNR to open a hunting season for sandhill crane as soon as possible; and (3) for no unreasonable restrictions to be placed upon any such season, including but not limited to an executive veto. SCI respectfully requests that the legislature move forward as soon as possible with these steps. Additional unnecessary delay is concerning as a matter of law and policy, given the legal necessity and conservation imperative to properly manage sandhill cranes in Wisconsin.

If you have any questions about this analysis, please do not hesitate to contact SCI's Legal Advocacy team at litigation@safariclub.org.

Sincerely,



W. Laird Hamberlin
Chief Executive Officer
Safari Club International

[8] https://docs.legis.wisconsin.gov/misc/lc/study/2024/2702/070_october_1_2024_meeting_10_00_a_m_room_412_east_state_capitol/11_shc_support_of_hunting_bruce_ross.