

# **ROBERT L. COWLES**

**Wisconsin State Senator, 2nd Senate District**

**STANDING COMMITTEES:**

Natural Resources & Energy, Chair  
Transportation & Local Government, Vice-Chair  
Economic Development & Technical Colleges

## **Testimony on 2023 Senate Bill 208**

**Senator Robert Cowles**

**Senate Committee on Natural Resources and Energy**

**April 13th, 2023**

Thank you, Committee Members, for allowing me to testify on 2023 Senate Bill 208. This bill adds airport personnel to certain statutory exemptions on the use of firearms to help control nuisance wildlife at airports.

Under current law, the use of firearms in certain locations is restricted to preserve public safety and reduce wildlife poaching. This includes shining wild animals while armed, transporting a loaded firearm in a vehicle or shooting that firearm from a vehicle, discharging a firearm within 50 feet of the center of a roadway, or shooting from a parking lot open to the public. Certain exceptions are made in current law for these restrictions, with exceptions for law enforcement officers being the most common exception.

Senate Bill 208 adds another exception from these restrictions to state that personnel at public-use or military airports acting within all applicable state and federal permits may legally take the previously mentioned actions with firearms. Federal Aviation Administration regulations require efforts to be made to control the impact of nuisance wildlife at airports to help reduce the risk of damage to planes and potential harm to occupants of the plane. Federal and state permits further delineate the actions airport operators may or must take to address nuisance wildlife, typically including a stepped plan that prioritizes non-lethal measures first.

However, if non-lethal nuisance wildlife management efforts at airports fail, shooting wildlife which pose a danger to property and human safety is the best option. We drafted this legislation after hearing from local airport officials who pointed to best practices for nuisance wildlife management at airports in other states that were supported by federal officials which are prohibited here because of these statutory hurdles. These practices using trained personnel in vehicles and occasionally with the cover of night to reduce the possibility of spooking the animals have proven to be effective and safe in hundreds of other airports across the country.

To be clear, this legislation does not for the first time make it legal for airport officials to kill dangerous nuisance wildlife, nor does it change existing permitting or reporting requirements. Instead, it just makes it easier for airport officials to do their jobs. The changes in Senate Bill 208 will assist airport personnel in making sure experiences in airports big and small across the state are safe from the dangers that certain animals can pose to human safety.



# DAVE MURPHY

State Representative • 56th Assembly District

April 13, 2023

Dear Members of the Senate Committee on Natural Resources and Energy,

Thank you for the opportunity to provide testimony on Senate Bill 208, a bill I am happy to co-sponsor with Senator Cowles.

Under current law, the use of firearms in certain locations is restricted to preserve public safety and reduce wildlife poaching. This includes shining wild animals while armed, transporting a loaded firearm in a vehicle or shooting that firearm from a vehicle, discharging a firearm within 50 feet of the center of a roadway, or shooting from a parking lot open to the public. Certain exceptions are made in current law for these restrictions, with law enforcement being the most common exception.

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The changes in SB 208 will assist airport personnel in making sure experiences in airports big and small across the state are safe from the dangers that certain animals can pose to human safety.

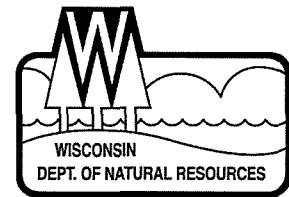
Thank you for your time and consideration.

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## Senate Committee on Natural Resources and Energy

### *2023 Senate Bill 208* *Nuisance Wildlife Management at Airports* *April 13, 2023*

Good morning, Chair Cowles, and members of the Committee. My name is Brad Koele, and I am the Wildlife Damage Specialist for the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Senate Bill 208, related to nuisance wildlife management at airports.

Wildlife on or near airport runways can have catastrophic impacts. Aircraft can be damaged and in severe situations, wildlife strikes can lead to human injuries or fatalities. Some of you may recall the “Miracle on the Hudson” in 2009 where Captain Chesley “Sully” Sullenberger made an emergency landing in the Hudson River after the passenger plane he was piloting struck a flock of geese. The FAA maintains a wildlife strike database which dates to 1990. Since 1990, 2,986 wildlife strikes have been reported at Wisconsin airports. This includes 56 deer strikes, 18 coyote strikes, 3 raccoon strikes, and 2 fox strikes.

This bill would provide airport officials and wildlife managers with additional tools to mitigate wildlife conflicts at airports and maintain a safe environment for the use of aircraft.

Senate Bill 208 (SB 208) would allow designated personnel at public-use airports to do the following:

- Shine wild animals on airport property year-round with no time restrictions; currently there is a restriction on shining between 10 p.m. and 7 a.m. from Sept. 15 – Dec. 31;
- Transport a loaded firearm, bow, or crossbow within a motor vehicle;
- Load and discharge a firearm from within a motor vehicle; and
- Discharge a firearm, arrow, or bolt from across a highway and within 50 feet of a roadway center.

In general, these activities are currently prohibited for airport officials.

Allowing airport officials to conduct these activities would allow the removal of animals like coyotes, fox, and deer with the aid of light and from a vehicle. While the removal of these animals is not needed on a daily basis, this would provide flexibility for airports to perform these activities when needed for the protection of aircraft and human health and safety.

Airport officials would still need to obtain any necessary state or federal permits for the removal of certain wildlife species. The U.S. Fish and Wildlife Service requires permits for the removal of most migratory birds, and a DNR permit is needed for the removal of species like turkey and deer. As with any legislation that expands the allowable uses of firearms, bows and crossbows, we are always

cognizant of public safety. We appreciate the ongoing dialogue with the author to ensure clarity of the relationship between permitting standards and the associated regulatory authorizations.

On behalf of the Department of Natural Resources, we would like to thank you for your time today. I would be happy to answer any questions you may have.

- First, I'd like to thank you for the opportunity to speak today on this important bill before the Senate to improve WI airports ability to manage nuisance wildlife.
- My name is Michael Riechers and I am the Director of Marketing and Communications with the Dane County Regional Airport here in Madison. I'm also a National Guard helicopter pilot, flying in and out of Madison's airport, for over 10 years.
- Although birds and other wildlife are critical ecologic, economic, and esthetic components of the environment deserving rigorous protection (*Sekercioglu et al. 2016*), they can, at times, pose great risk to human activities, especially in aviation. Aircraft collisions with birds and other wildlife have become an increasing concern for aviation safety in recent years (*Bogaisky 2019, Koerner 2020*).
- The Federal Aviation Administration (FAA) Wildlife Strike Database has been recording data on wildlife strikes at airports since 1990. From 1990–2021, over a quarter-million strikes were reported to the FAA, which was an average of a little over 8,000 per year. In 2021 alone, over 15,000 strikes were reported, which was over 42 wildlife strikes per day, every day, for a year.
- Both commercially-served airports (referred to in the industry as Part-139 airports), as well as general aviation airports, have recorded significant increases in reported strikes since 1990. Commercially-served airports alone have seen a 164% increase in wildlife strikes over the last ~20 years.
- Now why do wildlife strikes matter so much? First and foremost, safety. Also the immense financial toll it takes on aircraft owners and operators.
- The annual cost of wildlife strikes to the civil aviation industry in 2021 was estimated to be \$328 million in direct and other monetary losses (maintenance, aircraft downtime, etc.).
- Currently, state statutes require employees conducting wildlife management at airports to follow the same laws and regulations as the general public, regarding recreational hunting or transporting a firearm.
- The FAA expects airports to use all management options listed in wildlife management permits, including use of firearms, particularly **after** other management options are not effective or the hazard needs to be addressed hastily.
- Dane County Regional Airport uses a combination of county-employed wildlife specialists, as well as the USDA Wildlife Services division, for wildlife management on the airport. This bill will not only allow greater ability for airport staff to manage nuisance wildlife safely but, as written, the scope of this bill will also extend to federal contractors working on behalf of airports, which is very important to us and our airport partners.
- On behalf of all WI airports, I would ask that you consider approving these changes to state statutes to enhance aviation safety by better allowing airports to address nuisance wildlife on airports.

Wildlife Nuisance Bill  
Senate Bill 208

Appleton International Airport is in support of the wildlife nuisance bill as it provides greater opportunity for our staff to remove wildlife from our critical airfield and improve safety to the general public.

The Appleton Airport has experienced significant growth over the past several years in commercial air service, general aviation, and business development. Our most recent economic impact from 2015 notes that Appleton Airport contributes over \$676M dollars to the local economy and over 3,200 jobs. We're home to major employers like Gulfstream Aerospace, Air Wisconsin Airlines, and FedEx.

In 2022 we saw over 850,000 passengers travel through our airport which represents a 20% increase over 2021. We also saw general aviation traffic increase 28% to our airport owned FBO. Overall, on average we see over 30,000 aircraft operations a year, which equates to 80-100 aircraft operations every day. Each operation susceptible to an interaction with wildlife.

Our airport has a long history of proactive wildlife management including habitat modification including:

- Removing all farming near our aoa, removal of trees, bushes, and nesting sites
- Planting high endophyte fescue that migratory birds do not like
- Installing 10' chain link fence with barb wire on top
- and continuous wildlife patrols

99% of the methods we use as part of our FAA approved wildlife management program are non-lethal methods including the habitat modification as previously listed plus harassment techniques like sirens, loud noises, and continual monitoring.

When a lethal method is necessary, the operation is conducted by employees that have been trained, vetted, and in close coordination with USDA wildlife services, WI DNR and under approved permitting procedures.

The proposed amendments within Senate Bill 208 will provide our staff greater opportunity to remove wildlife, it will make us more effective and efficient when protecting the general public

- It allows our staff to be much more discrete, increases our effectiveness.

On behalf of all WI airports, I would ask that you consider approving these changes to state statues to enhance aviation safety by better allowing airports to address nuisance wildlife on airports.