



# DAVE MURPHY

State Representative • 56th Assembly District

May 31, 2023

Dear Members of the Assembly Committee on Veterans and Military Affairs,

Thank you for the opportunity to provide testimony on Assembly Bill 174, 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.

Assembly Bill 174 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 these 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 the animals 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 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.

The changes in AB 174 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.

# **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 Assembly Bill 174**

**Senator Robert Cowles**

**Assembly Committee on Veterans and Military Affairs**

**May 31st, 2023**

Thank you, Chair Edming and Committee Members, for allowing me to testify on 2023 Assembly Bill 174. This bill adds airport personnel to certain statutory and administrative rule exemptions on the use of firearms to help control nuisance wildlife at airports.

Under current law, the use of firearms in certain locations and under certain conditions 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 persons are exempt under current law from having to abide by these restrictions, with exceptions for law enforcement officers being the most common.

Assembly Bill 174 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 suggested 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 AB 174 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.

This legislation has been amended by Assembly Amendment 1 which was recommended by the Department of Natural Resources following the Senate hearing. The companion to Assembly Bill 174, Senate Bill 208, was recommended for passage as amended 5 – 0 yesterday in the Senate Committee on Natural Resources and Energy.

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## Assembly Committee on Veterans and Military Affairs

### *2023 Assembly Bill 174* *Nuisance Wildlife Management at Airports* *May 31, 2023*

Good morning, Chair Edming, 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 Assembly Bill 174, 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.

Assembly Bill 174 (AB 174) 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 amendment offered by the author that would require airport officials receive department authorization to conduct these activities. There can be a big discrepancy in experience and training that airport officials receive for dealing with wildlife conflicts. Some airports have organized training programs specific to wildlife conflict management and some airports have limited training or experience. Requiring written authorization will allow the department to make sure airport officials receive guidance prior to conducting these activities. This is important for making sure these activities are conducted appropriately. As I mentioned, many of the wildlife species that airports are dealing with already require a permit from the department, so authorization for these activities can be included in those permits and this would not be an extra requirement for most airports.

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.