

Re: Opposition to LD 138

Senator Tepler, Representative Doudera and Distinguished Members of Environment and Natural Resources Committee,

I am Bruce Taylor. I live in Sweden where my house is approximately 8.2 miles from the Eastern Slope Airport in Fryeburg. I have served as a selectman in Sweden. I was a flight surgeon in the Army National Guard. In a civilian capacity, as a director of a pediatric emergency services, I was responsible for, and frequently flew in, pediatric aeromedical evacuations. Most of my hours were in rotor craft, many directly to the scene of an accident, along with the occasional long distance fixed wing mission in pressurized aircraft.

Safety is fundamental to aviation. However, I strongly oppose LD 138 as written for the following reasons:

1. LD 138 is both extremely vague and ambiguous. The “certain” exemption(s) are not specified. It appears “certain” exemption(s) could essentially become “all” exempt. What exactly are the special management considerations or protection guidelines this bill will exempt?
2. The definition for “airport” is given as that in Title 6, Section 101. Section 101 covers the entire gauntlet from commercial FAA 139 to private nonpublic airports and temporary airports. A temporary airport could be used for only a short time with very few landings (or even just one?) but leave permanent ecological devastation behind. Would a private nonpublic airport be one at a family hunting lodge with a landing strip where the commercial activity is to transport a case of beer several times a season to sell to visitors passing through?
3. What type of “activity or development” is being referred to. This general term would allow for non-aviation activity or development such as a water park, land fill or a bottling plant?
4. The size of the area to be exempt must be specified. For example, if an airport’s plot in the book of deeds is 5000 acres but the concerning area area of animal conflict is far less than that, is the entire 5000 acres exempt?

5. The airports who testified are understandably concerned with bird strikes, but unfortunately no specific bird strike data was provided for their facility. For the Eastern Slope Airport in Fryeburg, in the FAA Wildlife Strike Data Base (1990-2023) there is just one bird strike recorded. That involved a business Citation jet in August 1997, no species of bird stated. [wildlife.faa.gov/search](https://wildlife.faa.gov/search)
6. There must be mandatory reporting of all bird strikes. It was mentioned in testimony that bird strike data is not consistently recorded. On the state level this should be made mandatory, because anecdotal data is frequently unreliable and does not provide an adequate basis for far reaching and impactful decisions. Or to put it colloquially” Where’s the beef (bird)?”
7. The existent wildlife management plans should be submitted when applying for an exemption.
8. A plan should be submitted for Department review for any required exemption demonstrating the need, scope, and methodology etc.
9. Besides the boots on the ground knowledge of the air facility management, I hope the committee will consider the IFW and DEP’s expertise. There are also Qualified Airport Wildlife Biologists (certified by The Wildlife Society and the Bird Strike Committee) who could provide input.

The hazard of animal strikes is a definite hazard. In testimony before the Committee, the bird strike of US Airlines flight 1549 over the Hudson River in 2009 that occurred approximately 4.5 miles from the airport was presented. Isotope studies performed by the Smithsonian Institution Research Center on the Canada geese remains that struck the engines demonstrated they were a migratory subpopulation population from Labrador. As this incident demonstrates, strike management can be complex, often involving factors far outside of the airport.

This bill as written, despite its very worthy intent, needs to be revised to provide specifics to protect both aviation and endangered and threatened species and their habitat. Please vote ought not to pass.

Thank you.

Bruce Taylor, MD  
Sweden

