



Richard A. Bennett
Senator, District 18

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

**Joint Standing Committee on Environment and Natural Resources on
LD 138, An Act to Exempt Airports from Certain State Endangered and
Threatened Species Habitat Protections**

January 27, 2025

Senator Tepler, Representative Doudera, and esteemed members of the Joint Standing Committee on Environment and Natural Resources: I am Senator Rick Bennett of Oxford, and I have the honor of serving 14 communities in Western Maine in the State Senate. I am pleased to sponsor LD 138, "An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections."

Like many of you, I consider myself a champion of the environment. I believe we need to do everything we can to provide safe habitats for the animals whose natural homes we have invaded, particularly when those animals are endangered or threatened. However, if a species that can pose risk to humans moves into a place after developments have been made, we should do what we can to mitigate the risk to people.

As I'm sure you all know, birds and other wildlife pose a safety threat at airports. According to the U.S. Fish and Wildlife Service, strikes to aircraft by birds and other wildlife cause an estimated \$900+ million in damage to U.S. civil and military aircraft annually. Furthermore, these strikes put the lives of aircraft crew members and their passengers at risk. If you have any questions about how dangerous birds can be around planes, just ask Sully Sullenberger, the man who landed his Airbus A320 in the Hudson River back in 2009.

To help track and analyze wildlife strike incidents, including but not limited to bird strikes, throughout the United States, the Federal Aviation Administration (FAA) developed a [Wildlife Strike Report Database](#). From 1990 to 2013, 142,675 wildlife strikes were reported, 97 percent of which involved birds.

This risk is so well-known and concerning that Federal Grant Assurance obligations include specific requirements to operate and maintain the Airport in a safe and serviceable condition, mitigate hazards to airspace, and use airport revenue properly. Encouraging wildlife habitat, as required by the Maine Endangered Species Act, is contrary to all of these items.

It is essential to allow airports to bypass some protections and prioritize the safety of passengers and the integrity of air travel. Put simply, airports cannot foster safety while encouraging the presence of wildlife.

I submitted this bill to help the Fryeburg Airport finish its latest project despite the presence of the grasshopper sparrow. But this has impacts on many of our districts. The Sanford

Airport has had two deer strikes they believe are attributable to habitat restrictions that prohibited the airport from safely managing the habitat on portions of its airfield. Today you will hear from representatives from airports around the state who will testify in support of this proposal.

You may hear today from the Administration that airport properties are being used for purposes beyond aviation – such as solar development. The intent of this bill is to protect aviation. If the bills needs to be narrowed to accomplish that important focus, I will leave those decisions to the committee.

As I have researched this issue, I have learned a few things about the administration of the Maine Endangered Species Act that I find troubling. Among them is the fact that the Department of Inland Fisheries and Wildlife has been in some cases, settling for cash payments by developers to “mitigate” impacts on endangered species. I found nowhere in statute where this is allowed. 12 MRS § 12806(2).

In sum, while we have a duty to protect threatened and endangered species, we also owe it to the people flying throughout Maine to assure their flights are as safe as possible. I urge you to vote “ought to pass” on LD 138.

Thank you for your consideration.