

SACRAMENTO COUNTY AIRPORT SYSTEM

STATEMENT TO CALIFORNIA TRANSPORTATION COMMISSION

REGARDING SENATE BILL 481 (Cox)

MANAGEMENT OF WILDLIFE AT PUBLIC USE AIRPORTS

Michael B. La Pier, Airport Chief Operating Officer

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Good afternoon, Vice-Chair Earp and members of the Commission. My name is Michael La Pier. I am the Chief Operating Officer for the Sacramento County Airport System. We appreciate the opportunity to discuss a legislative initiative that will soon be considered by the California State Senate; Senate Bill 481.

As background, the Sacramento County Airport System includes four airports within our direct control and one additional airport we manage for another county agency. While we represent the County Airport System today, we are also speaking on behalf of the over 280 public-use airports in California and the millions of aviation users and passengers who enjoy the convenient benefit of air travel within the State, as well as the opportunity to connect to the global economy for business or pleasure.

In short, there exists today a need to clearly define how a State agency, the California Department of Fish and Game (DFG), should respond to a federally- issued authorization that many airports within our state possess in the name of passenger and aircraft safety.

That authorization is referred to as a U.S. Department of Fish and Wildlife Depredation Permit. Airports in possession of this permit, which is issued only after the Fish and Wildlife Service determines that the authorities granted by its issuance are necessary to ensure the safety of the flying public, are allowed to use lethal means as a last resort to deal with potentially life threatening conflicts between aircraft and the growing bird population near many airports. It is important to note that this action is only authorized and exercised as a last resort after employing habitat management techniques on airport land, and an integrated program of passive and active harassment techniques in an effort to manage hazardous wildlife.

We need not look too far into the recent past to find a stunning example of the potential consequences of unwanted interaction between aviation and birds in an airport environment. The recent actions of the well trained crew of US Airways Flight 1549 in New York serve as a stark reminder of those consequences. Luckily for those involved, there was no loss of life thanks to a job well done by the pilot and co-pilot of that aircraft.

As an example of the magnitude of this conflict in California, I would share with you that in the decade between 1997 and 2007 there were more than 1,300 reported bird strikes at Sacramento International Airport. Many of these strikes resulted in minor to significant damage to aircraft, thereby threatening the safety of the users of our airport.

It is also interesting to note that Sacramento International currently ranks within the Federal Aviation Administration's (FAA's) Western-Pacific Region as the airport with the most reported bird strikes. Nationally, our airport ranks number 6. (And, FAA estimates that only 20% of strikes are ever reported.)

Although we have this dubious title, airports throughout our state share similar problems and face similar consequences if we fail to act. Simply put, the FAA requires, and common sense dictates, that airports take all appropriate steps to ensure that the potential conflict between aircraft and the bird population at airports is minimized to the greatest extent possible. Therein lays the reason for SB 481.

Currently the California Fish and Game Code is either silent or at best ambiguous regarding how DFG should respond to airports exercising the authorities granted under a properly issued federal depredation permit. As the result, there have been occasions where a DFG law enforcement officer has threatened airport wildlife biologists performing their duties as authorized under the permit with fines and arrest.

DFG has readily acknowledged that the code that guides them is unclear as to how they are to respond in such a situation, and they have suggested to us that the code needs clarification.

That clarification is what SB 481 attempts to provide. It authorizes an airport in possession of a current and properly issued Federal Depredation Permit to exercise the authorities granted by that permit without threat of action against its employees by DFG Law Enforcement officers. The bill does not contemplate nor do we seek an expansion of the authorities granted under the federal permit. It simply seeks to clarify for all that the authorities granted do not violate State law and to provide DFG with the appropriate guidance needed to clarify their required action. It is extremely important to note, and it cannot be overstated, that the Federal Permit does not allow, nor do California Airports seek authority to take threatened or endangered species as identified by either the Federal or State endangered species acts.

Today, we ask the California Transportation Commission to support aviation in the State of California by supporting Senate Bill 481. This important piece of legislation seeks to provide a clear bridge between federally authorized activities designed to ensure the safety of the traveling public and California State code governing the activities of the State Department of Fish and Game. Failure to take affirmative action to provide for the clarification sought by SB 481 leaves open the prospect for catastrophic consequences because airports are by State code unable to exercise prudent means to remove bird hazards as a last resort to ensure the safety of the traveling public.

I would welcome the opportunity to address any questions the Commission members may have at this time, if that is appropriate.