

Lawrence F. Gardella
3549 Audubon Road
Montgomery, Alabama 36111
April 23, 1998

William Kennard, Chairman
Federal Communications Commission
1919 M Street, NW Room 814
Washington, DC 20554

Re: FCC Docket No. 97-296: MM Docket No. 97-182

Dear Chairman Kennard:

I submit the following comments on the FCC's notice of proposed rule-making about preemption of state and local zoning and land use restrictions on the siting, placement, and construction of broadcast station transmission facilities.

The National Environmental Policy Act (NEPA) requires the Commission and all other federal agencies to conduct an Environmental Impact Statement (EIS) for all major federal actions affecting the environment. The FCC's proposal relates to all radio and television towers, thousands across the country, and as such constitutes a major federal action. Moreover, new digital TV and cellular phone technology means that the number of tall towers in North America could double in the next few years.

Broadcast towers can have substantial environmental effects. Studies have documented high levels of bird mortality that result when towers are sited on high ground in the major migratory flyways. Between two and four million migratory birds are killed each year as a result of collisions with TV and radio towers alone.

The impact of poorly sited transmission towers on migrating birds is well documented. A 38-year study of a single television tower in west central Wisconsin documented 121,560 birds of 123 species killed, primarily long-distance neotropical migrants. On a single night this year, January 22, 1998, an estimated 5,000 to 10,000 birds, mostly Lapland longspurs, were killed on a foggy night by a 420-foot tall communications tower in Kansas.

Many species of neotropical migratory birds are experiencing steep population declines. The siting of numerous new broadcast towers in migration corridors could greatly exacerbate this problem.

The situation is all the more tragic because a relatively simple solution may be available if only the political will were there. Birds are killed by these towers on foggy nights when they are attracted to the safety lights that flash as warnings to planes. Instead of helping birds avoid the towers, these lights have been found to draw in flocks of migrating birds, leading to increased bird injury and mortality. The birds funnel around the

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light and start circling and are killed by the guy wires. Evidence from towers that are manned suggests that a brief cessation or change in the tower's lighting pattern causes the birds to move on. Motion or sound detectors could be used to detect the flocks' presence and change the lighting pattern.

In closing, I oppose the rule to preempt state and local zoning and land use restrictions on the placement and construction of broadcast station transmission facilities. If the Commission decides to move ahead with the EIS, please add me to the public comment list so that I may submit comments on the draft EIS.

Thank you for your consideration.

Sincerely,



Lawrence F. Gardella
Vice President
Alabama Ornithological Society

cc: Commissioner Harold Furchtgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani
Commissioner Susan Ness