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Rebecca L. Hatfield

10421 Gore Greendale Road, Logan, OH 43138-9190

April 21, 1998

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

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FEDERAL COMMUNICATIONS COMMISSION
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EX Parte Letter Re: FCC Docket No. 97-296: MM Docket No. 97-182

Dear Chairman Kennard:

I am submitting comments regarding the FCC's notice of proposed rule making in the matter of 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, and as such constitutes a major federal action.

Broadcast towers can have substantial environmental effects. Many people have been concerned with the proliferation of radio, television, and telephone towers in environmentally sensitive areas, and in particular with the documented high levels of bird mortality that results when these towers are sited on high ground in the major migratory flyways. It is estimated that 2 to 4 million migratory birds are killed each year as a result of collisions with TV and radio towers alone. Moreover, the red safety lights often used on towers have been found to attract flocks of migrating birds, leading to increased bird injury and mortality. The impacts of poorly sited transmission towers on migrating birds are well documented. For example, a 38-year study of a single television tower in west central Wisconsin documented 121,560 birds killed representing 123 species, primarily long-distance neotropical migrants.

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.

In closing, in the absence of an EIS, 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.

Sincerely,

Rebecca L. Hatfield



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

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