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

EX Parte Letter Re: FCC Docket No. 97-296; MM Docket No. 97-182

Chairman Kennard:

I wish to express my concern over the negative impacts that broadcast communication towers have on migrating birds, and especially over the FCC's notice of a proposed rule preempting state and local zoning and land use restrictions on the siting, placement, and construction of broadcast station transmission facilities. I support conducting an Environmental Impact Statement (EIS) which would address the effects of towers on migrating birds.

As migrating birds are protected under federal law, and as the National Environmental Policy Act (NEPA) requires the FCC and all other federal agencies to conduct an EIS for all major federal actions affecting the environment, I believe an EIS is the necessary action to be taken.

Broadcast towers, including radio, television, and telephone towers, can have substantial environmental effects, and high levels of bird mortality that results when these towers are sited on high ground in the major migratory flyways have been documented. 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. For example, a 38-year study of a single television tower in west central Wisconsin documented the mortality of 121,560 birds (123 species), primarily federally-protected long-distance neotropical migrants. Many species of neotropical migratory birds are experiencing steep population declines; the increase in popularity of cellular phones and digital TV means 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,



Terry Shaffer

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