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Michigan Natural Features Inventory
Michigan State University
Stevens T. Mason Building
P.O. Box 30444
Lansing, MI 48909-7944

November 2, 2011

Office of the Secretary
Federal Communications Commission
445 12th, SW
Room TW – A325
Washington, D.C. 20554

Dear Secretary of the Commission,

Thank you for the opportunity to comment on the *Draft Programmatic Environmental Assessment of the Antenna Structure Registration Program* (WT Docket No. 08-61 and WT Docket No. 03-187). I was pleased to see the inclusion of the Michigan research on communication towers and avian collisions that I completed with my collaborators, Dr. Albert Manville, II (Division of Migratory Bird Management, United States Fish and Wildlife Service), and Dr. Paul Kerlinger (Curry and Kerlinger, LLC).

I was also very pleased to read the repeated positive references to the anticipated changes in the FAA Advisory Circular 70/7460-1K Obstruction Marking and Lighting (USDOT/FAA 2007). To my knowledge, these changes will be implemented to occur within the next 6 months and, as mentioned in the draft PEA (WT Docket No. 08-61 and WT Docket No. 03-187), would significantly reduce avian collisions with towers IF and ONLY IF the FAA circular changes are manifested in actual lighting changes on communication towers (supported by Gehring et al. 2009). While the proposed tower lighting changes (extinguishing non-blinking lights) would decrease energy and maintenance costs to tower owners, adequate additional motivation to change tower lighting systems could be needed. Therefore, the Commission and migratory birds would benefit from Alternatives that include FAA lighting changes. I do NOT support the "No Action Alternative".

Michigan Natural
Features Inventory
P.O. Box 30444
Lansing, MI
48909-7944
(517) 373-1552
FAX: (517) 373-9566

I support the use of Alternative 2 Option A in the *Draft Programmatic Environmental Assessment of the Antenna Structure Registration Program* (WT Docket No. 08-61 and WT Docket No. 03-187). This Option considers towers less than 450 ft AGL, which is a height category frequently constructed on the landscape. Although shorter towers are not involved in as many avian fatalities as tall towers (Gehring et al. 2009), cumulatively the shorter towers contribute to a large number of avian fatalities (Kerlinger et al. in final review).

Second to Alternative 2 Option A, I also support Alternative 2 with a combination of Option B and C. Page 3-7 of the *Draft Programmatic Environmental Assessment of the Antenna Structure Registration Program* details Option B. In this section (3.3.2) I support the replacement of the final "AND" statement with an "OR" statement, thereby including

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towers greater than 450 feet AGL, towers with steady-burning red lights, or guy wires in the group of towers determined to need an EA.

In my professional opinion, the *Draft Programmatic Environmental Assessment of the Antenna Structure Registration Program* (WT Docket No. 08-61 and WT Docket No. 03-187) fails to adequately prove that the current and future communication tower system does not have a significant impact on migratory birds. This scientific question requires knowledge of many factors not considered in analysis and conclusions. Appropriate approaches to determining the cumulative impact of communication towers on bird populations need to consider the diversity of population levels of bird species. For example, populations of rare species are more vulnerable to the impacts of fatalities due to communication towers than species living in higher densities. In addition, certain regions of the United States have been determined to have higher rates of collisions than other regions (Longcore et al., in review). It is also essential that the analysis and conclusions are based on quality, contemporary data (post 2000), as previous data collection on this topic was limited, non-systematic, and often for the purpose of museum specimen collection instead of statistical comparisons. Finally, appropriate data analysis MUST be used. Simple linear regression without even considering error in estimates is unacceptable for such an important and complicated question.

As a scientist who has focused her research efforts on and documented avian fatalities for almost a decade, I am disappointed that the *Draft Programmatic Environmental Assessment of the Antenna Structure Registration Program* (WT Docket No. 08-61 and WT Docket No. 03-187) fails to address or motivate any changes to existing towers that would decrease avian collisions. Given the need for communication towers to be maintained within the ASR Program I had hoped for motivation to decrease the current, estimated, annual 5 million avian fatalities. It is important that the Migratory Bird Treaty Act (MBTA) is not neglected or ignored in this matter. Technically, each avian collision is a likely violation of the MBTA. Any efforts to reduce the estimated, annual 5 million violations of this Act would be an ethical business practice. Similarly, the MBTA should not be neglected or ignored when considering the additional, future, annual 1.6 million bird fatalities estimated in the *Draft Programmatic Environmental Assessment of the Antenna Structure Registration Program* (WT Docket No. 08-61 and WT Docket No. 03-187).

In my professional opinion, the *Draft Programmatic Environmental Assessment of the Antenna Structure Registration Program* (WT Docket No. 08-61 and WT Docket No. 03-187) requires a more specific and detailed definition of the term “antenna farm”. The Draft PEA proposes that changes to towers in “antenna farms” may be categorical excluded, making this definition crucial to the implementation of the Alternatives. Please consider including a more specific definition of this term.

In addition, please revise the Gehring et al. (2011) citation. It can be updated to include the specific journal number and pages:

Gehring, J. L., P. Kerlinger, and A. Manville. 2011. The relationship between avian collisions and tower height and support systems. Journal of Wildlife Management 75(4):848–855.

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We have an opportunity to essentially resolve a conservation issue that has existed for over 7 decades. In the last 4 years we have all made great strides in bringing together previously unlikely collaborators. We have come together to discuss and often agree on methods to resolve this issue. I encourage the FCC to NOT miss this transformative opportunity to minimize avian collisions and make a good faith effort to comply with the Migratory Bird Treaty Act. Thank you again for the opportunity to comment on the *Draft Programmatic Environmental Assessment of the Antenna Structure Registration Program* (WT Docket No. 08-61 and WT Docket No. 03-187). If you have any questions please feel free to contact me.

Respectfully,

Joelle Gehring, Ph.D.,
Senior Conservation Scientist, Zoology
Michigan Natural Features Inventory
Michigan State University
P.O. Box 30444
Lansing, MI 48909-7944
989-400-0718
GehringJ@MSU.edu