

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS,
CONCURRING IN PART, DISSENTING IN PART**

RE: Petition by Forest Conservation Council, American Bird Conservancy and Friends of the Earth for National Environmental Policy Act Compliance.

The U.S. Fish and Wildlife Service conservatively estimates that collisions with communications towers kill more than four million birds per year. Some estimates put the figure as high as forty million bird kills annually. Migratory birds are particularly vulnerable as they fly south to the southern United States, Mexico and beyond for the winter. Now it goes without saying that communications towers are important for America – allowing us to watch television, listen to the radio, make mobile phone calls and increasingly get wireless broadband connectivity. One of the most important priorities of this Commission is to facilitate this deployment of communications technologies – but we need not be oblivious to related concerns as we go about our work. Nor need we become “The Reluctant Environmentalist.” In truth, we are not faced with an all-or-nothing proposition. I am confident that the Commission, with some sustained effort and commitment, can manage the expansion of communications towers while also preserving the country’s environmental resources for future generations. Evidence suggests, for example, that something as simple as tower lighting changes might significantly reduce bird mortality.

Today’s action says less about the impact of communications towers on migratory birds than it does about past Commission failure to do its job. It was in 2003 that we initiated our *Migratory Bird* proceeding. Many of the issues still unresolved in that proceeding are the same issues underlying the Petitioners’ request before us. We need to get on with this job. More research may need to be done – and some serious inter-agency dialogue and coordination are in order. We should be working closely with the U.S. Fish and Wildlife Service, the Federal Aviation Administration, federally-recognized Indian Tribes and other interested stakeholders to resolve the outstanding issues. The Commission has not taken any recent action in this regard. I am encouraged, however, that my colleagues have expressed a willingness to move forward with a Notice of Proposed Rulemaking in the *Migratory Bird* proceeding. I commend Commissioner Adelstein for his leadership in pushing for this result – and I concur in this aspect of the decision. But I must respectfully dissent from the remainder of the decision that dismisses the Petitioners’ request for action, because it fails to analyze substantively the issues underlying it.