

**SEPARATE STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

Re: *Effects of Communications Towers on Migratory Birds*, WT Docket No. 03-187,  
Notice of Proposed Rulemaking

Today the Commission makes good on its promise to open a rulemaking on reducing bird deaths caused by collisions with communications towers. The Chairman told us earlier this year he would bring such an item to us and I commend him for following through. There is simply no question that bird-tower collisions are a serious problem. The U.S. Fish and Wildlife Service tells us that millions of birds, perhaps as many as 50 million, die each year through such accidents. That is a sobering conclusion coming from the federal agency with the greatest scientific expertise when it comes to wildlife conservation and primary responsibility for protecting migratory birds. The situation imposes a grave responsibility on *this* agency, too, because of our important jurisdiction over tower painting and illumination – a responsibility to make sure that our rules and practices do not contribute to a needless toll of bird deaths.

The Commission could have faced up to this problem years ago. Put bluntly, for too many years this agency treated a widely-recognized problem with not-so-benign neglect. Now we have learned, I hope, that this is not a problem that will just go away if we ignore it. Instead, we need to face up to the hard questions and resolve them in a timely and effective fashion.

We are not faced here with an all-or-nothing choice. Communications towers are essential to modern American life, we all understand that. Without them, we could not watch television, listen to the radio, make cell phone calls, or enjoy the next generation of wireless broadband services. But even as the Commission fulfills its mission to facilitate all these exciting and important technologies, we must also be mindful of the effects we have on the nation's fragile ecosystem. The industries we oversee are backbone industries with effects felt far and wide, including on our environment. We need to be proactive on ecological preservation, instead of being perceived, as we are by some, as anti-environment or, at best, as some kind of "reluctant environmentalist" dragged kicking and screaming into the Twenty-first century. This kind of agency involvement is something I have pushed for since I arrived here at the Commission in 2001. So I am pleased we are moving in that direction. And I believe that through hard work and a willingness to learn from both conservationists and tower operators, we will find ways to continue encouraging communications technologies while at the same time minimizing ecosystem costs, such as the high avian death toll we have been witnessing. I believe our tentative conclusion about lighting systems represents a good first step in that direction, and I look forward to working with my colleagues to bring this rulemaking to conclusion in the weeks and months – hopefully not years – ahead. Thanks to my colleagues, and to the Bureau, for their good work in developing this item.