

March 26, 2012

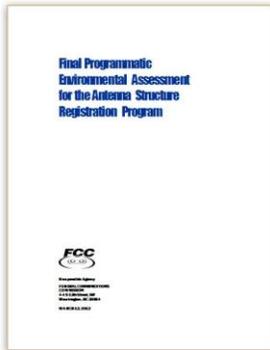


TV TechCheck



The Weekly NAB Newsletter for Television Broadcast Engineers

FCC Releases Programmatic Environmental Assessment for Migratory Birds



On March 13, the Federal Communication Commission (FCC) released the Final Programmatic Environmental Assessment (PEA) for the Antenna Structure Registration (ASR) Program. The PEA assesses the potential environmental effects of future proposed communications towers, and particularly the effects on migratory birds, of several alternative courses of action.

In 2008 the U.S. Court of Appeals for the District of Columbia determined that the FCC had not adequately evaluated the potential effects that its current ASR program has on threatened and endangered species and migratory birds. The court stated that the FCC could begin its evaluation of these effects with a PEA.

In December, 2011, the FCC adopted an interim Environmental Assessment (EA) requirement to protect migratory birds, which will become effective following its approval by the Office of Management and Budget. Under this interim procedure, an EA will be required for any proposed new tower over 450 feet in height above ground level, for replacement or modification of an existing tower over 450 feet in height that involves a substantial increase in size, or for certain delineated changes in lighting to a tower over 450 feet in height.

In August 2011 the FCC issued and sought comment on a draft PEA. In that draft the Commission presented a number of alternative courses of action that it could take with respect to communications tower's impact on migratory birds. These alternatives included making no changes to the FCC's current environmental rules, as well as several alternatives that would expand the circumstances under which an EA would be required for tower siting.

The final PEA finds that the environmental impact of the ASR program on migratory birds would not be significant at the national level under any of the alternatives considered. However, the FCC did note that the potential for significant impacts to populations of migratory birds, Bald Eagles, or Golden Eagles at the local level could vary depending on the course of action ultimately adopted by the FCC. The PEA also considers the possibility that the Federal Aviation Administration may revise its permitted lighting configurations in a manner that would reduce the impacts of lighting on migratory birds (by reducing or eliminating the use of red steady lights).

The FCC has noted that it intends to draft a Further Notice of Proposed Rulemaking in the migratory bird dockets (WT Docket Nos. 03-187 and 08-61) for FCC consideration. In the interim, stations are reminded that they must continue to prepare EAs where required under the FCC's existing rules.

The PEA is available on the FCC web site at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-388A1.pdf.

Technology Luncheon Keynote
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 12:00-2 p.m.



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