



California Wind Energy Association

February 3, 2011

Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
West Building Ground Floor, Room W12-140
Washington D.C. 20590-0001

Comments Re: FAA 2010-1326

On behalf of the California Wind Energy Association (CalWEA), thank you for the opportunity to comment on Docket No. FAA 2010-1326, Marking Meteorological Evaluation Towers, published in the Federal Register on Wednesday, January 5, 2011. CalWEA is a trade association representing 25 companies focused on helping to achieve California's renewable energy and greenhouse-gas-reduction goals, which achievement will rely on wind energy resources both within California and the Western United States.

CalWEA shares the National Agricultural Aviation Association's (NAAA's) goal of improving the safety of metrological towers that are less than 200 feet in height. CalWEA believes that the proposed voluntary guidance found in Docket number FAA 2010-1326 can be revised to achieve the desired improvement in safety while reducing the proposed guidance's burden on California's wind industry.

CalWEA supports the comments submitted today by the American Wind Energy Association (AWEA) on Docket No. FAA 2010-1326. We agree that the proposed guidance, if not revised, could potentially result in reduced data collection capability, increased tower failure, and significantly increased costs.

Vegetation Management

Our members are particularly concerned with comments submitted to the FAA that advocate mandating activities that would disturb ground vegetation around met towers. In addition to the concerns raised by AWEA, CalWEA believes that such a requirement could dramatically increase the time and cost required to receive the permits required to erect temporary meteorological towers. The removal of vegetation would likely require environmental analyses under either the California Environmental Quality Act (CEQA) or the National Environmental Protection Act (NEPA). Currently, most towers are approved under exemptions to those laws. However, the removal of vegetation would likely increase the disturbance of the natural environment surrounding the towers which in turn would require a more intensive and lengthy environmental review process. Given the temporary nature of such towers, we believe the resulting loss of species habitat or cropland and increased costs are unjustified.

Consistency in Guidance

CalWEA also has concerns that the California wind industry could be subject to inconsistent federal guidance on meteorological tower marking and maintenance. The Bureau of Land Management issued a memorandum to all of its California districts on November 7, 2010, regarding guy wire and lighting requirements for tall structures, including meteorological structures. These requirements raise many of the same concerns expressed by AWEA and CalWEA regarding Docket No. FAA 2010-1326. CalWEA has requested that this memorandum be withdrawn so that the wind industry is given the opportunity to participate in the promulgation of the BLM requirements, preferably through formal rulemaking. CalWEA requests that the FAA and BLM coordinate their efforts in this area so that the industry is not subject to overlapping, and potentially inconsistent, guidance. While the effect of each set of rules alone might be practical and effective, it is quite possible that, in combination, two sets of uncoordinated rules will be unworkable.

Marking and Lighting Requirements

CalWEA recommends that the guidance include the installation of flags at the top of meteorological towers as described in Advisory Circular 70/7460-1K, paragraph 34(b)(2)(c). Such flags would be three feet to five feet per side. This flagging guidance would be provided as an additional acceptable alternative to the spherical markers currently proposed in Docket No. 2010-1326. Flags are a cost efficient means of increasing the visibility of meteorological towers that are less than 200 feet in height. Such guidance would avoid the structural stress to towers that would result from several of the proposed marking requirements that is outlined in AWEA's comment letter. Such a marking system would also avoid interference with data collection that would likely result from the use of spherical markers. Finally, such a marking system would take into account the fact that many meteorological tower locations lack a power source to supply a lighting system.

###

In sum, CalWEA supports the FAA and NAAA's efforts to improve pilot safety. We believe this can be successfully achieved through AWEA and CalWEA's suggested revisions to the proposed guidance that are intended to avoid unnecessary impacts to the wind energy industry.

Sincerely,



Nancy Rader
Executive Director