



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2005-ANE-1153-OE
Prior Study No.
2005-ANE-187-OE

Issued Date: 03/27/2006

John Bugbee
Town of Tisbury
Town Hall, Spring Street
Vineyard haven, MA 02568

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine
Location: Tisbury, MA
Latitude: 41-26-38.0 NAD 83
Longitude: 70-36-53.0
Heights: 241 feet above ground level (AGL)
381 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 K, Obstruction Marking and Lighting, paint/red lights - Chapters 3(Marked), 4, 5(Red), & 12.

It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

At least 10 days prior to start of construction
(7460-2, Part I)

Within 5 days after the construction reaches its greatest height
(7460-2, Part II)

As a result of this structure being critical to flight safety, it is required that the FAA be kept apprised as to the status of the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

See attachment for additional condition(s) or information.

This determination expires on 09/27/2007 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before April 26, 2006. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted in triplicate to the Manager, Airspace and Rules Division - Room 423, Federal Aviation Administration, 800 Independence Ave, Washington, D.C. 20591.

This determination becomes final on May 6, 2006 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Office of Airspace and Rules via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (202)267-9219. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2005-ANE-1153-OE.

Signature Control No: 445563-448782

(DNH)

Kevin P. Haggerty
Manager, Obstruction Evaluation Service

Attachment(s)
Additional Information

7460-2 Attached

Additional Information for ASN 2005-ANE-1153-OE

The proposed construction would be located approximately 2.99 nautical miles (NM) north of the ultimate Martha's Vineyard Airport, Vineyard Haven, MA. It is identified as an obstruction under the standards of 14 CFR, part 77, as follows:

Section 77.23(a)(2): A height AGL or airport elevation, whichever is higher, exceeding 200 ft. within 3 miles; would exceed by 36 ft.

The proposal was circularized on February 7, 2006, to all known aviation interests and to non-aeronautical interests that may be affected by the proposal. No letters of objection were received as a result of the circularization. One letter with no comments was received.

Aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival, departure, or en route instrument flight rule (IFR) operations or procedures.

Study for possible visual flight rules (VFR) effect disclosed that the proposed structure would have no effect on any existing or proposed arrival or departure VFR operations or procedures. It would not conflict with airspace required to conduct normal VFR traffic pattern operations at Martha's Vineyard or any other known public use or military airports. At 241 ft. AGL, the proposed structure would not have a substantial adverse effect on VFR en route flight operations.

As a condition of this determination the wind turbine should be painted bright white (marking); and be obstruction lighted with red obstruction lights in accordance with FAA Advisory Circular 70/7460-1K, Chapters 3, 4, 5, and 12. This will make it more conspicuous to airmen should circumnavigation be necessary. The advisory circular is available for viewing at the following website:

<http://oeaaa.faa.gov>

The cumulative impact of the proposed structure, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposal affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation.

As an additional condition of this determination should spurious electromagnetic noise from the wind turbine or aggregate noise from multiple wind turbines cause adverse electromagnetic interference (EMI) to an FAA facility, the proponent agrees to cease operations of the wind turbine(s) until such EMI is mitigated.