From: Berglund, Jeff
To: Deibert, Pat
Subject: Re: More Noise...
Date: Monday, October 20, 2014 1:21:06 PM
Attachments: Wyoming EO and Montana EO Noise Stipulation Comparison.docx

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Sure - FYI here's what I gave to the Gov's Office during our meeting last Friday. It provides a comparison between the WY and the MT EO noise measures...

J

On Fri, Oct 17, 2014 at 2:46 PM, Deibert, Pat <pat_deibert@fws.gov> wrote:

> Hi Jeff -
>
> I had not seen it - had heard it was coming. Thanks for sharing!
>
> pat
>
> On Thu, Oct 16, 2014 at 10:31 AM, Berglund, Jeff <jeff_berglund@fws.gov> wrote:
>
> > Have you seen this paper? Interesting...
> >
> > --
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> --
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> got leks?

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Wyoming EO and Montana EO Noise Stipulation Comparison: FWS MT Field Office October 2014

WY EO:

Noise: New noise levels, at the perimeter of a lek, should not exceed 10 dBA above ambient noise (existing activity included) from 6:00 p.m. to 5:00 am. during the initiation of breeding (March 1 May 15). Ambient noise levels should be determined by measurements taken at the perimeter of a lek at sunrise.

MT EO:

> 7. **Noise:** New noise levels from construction activities, at the perimeter of an active lek, should not exceed 10 dBA above ambient noise (existing activity included), from 6:00 p.m. to 8:00 a.m. during the initiation of breeding (March 1 – July 15), unless a site-specific noise level is agreed upon by the project proponent and Program. MSGOT shall review the emerging science on this issue, including the work being conducted regarding this issue in the State of Wyoming, and shall recommend any further adjustments in this stipulation that may be appropriate.

Comparative MT Measure Strengths:

- MT measure applies for longer hourly and seasonal periods, which is more conservative and could help address other life history phases.
- MT measure applies to both core and general habitat; important in MT

Comparative MT Measure Weaknesses:

- MT relegates the measure to construction activities only, so it would not apply to operation, maintenance, exploration, etc. This would omit compressor stations, drilling activities, operational traffic, etc., which can result in substantive noise-related impacts to grouse.
- MT does not specify when noise measurement is to take place. Measurements should take place at sunrise – e.g., when grouse activity is high and they are most subject to impacts, and ambient levels are generally low. Otherwise measurements could be taken at the noisiest point in the day, and/or when grouse are not active.
- MT provides a specific opt-out for this measure within the stipulation. To provide more regulatory certainty, this should be eliminated. All elements of the plan are already subject to exceptions based on site-specific issues and MSGOT approval.

Other Differences:

- MT acknowledges ongoing and emerging science regarding this issue (specifically referencing WY), and leaves the door open for appropriate adjustments (timeline for completing review?).

Other Opportunities for Improvement in MT EO (currently not contained in either EO):

- Remove “existing activity included” to address cumulative noise concerns (e.g., otherwise, additional activities and projects would count as “existing activities” during future assessments)
- State intended maximum noise cap in lieu of adding 10 dBA to ambient measurement (e.g., max of 30-34 dBA). This helps address threshold (tipping point) and cumulative noise concerns.