



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



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JUL 26 2007

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room-1A
Washington, DC 20426

Re: COMMENTS ON THE NOTICE OF PROPOSED RULEMAKING: REVISIONS TO
LANDOWNER NOTIFICATION AND BLANKET CERTIFICATE REGULATIONS
(**DOCKET NO. RM-17-000**)

Dear Ms. Bose:

The U.S. Department of the Interior (Department) has reviewed the Federal Energy Regulatory Commission's (Commission) Federal Register Notice of Proposed Rulemaking for Revisions to Landowner Notification and Blanket Certificate Regulations (Docket No. RM-17-000). The revision would require proponents of projects covered by blanket certification to notify all adjacent landowners of proposed construction and to conduct a survey after completion of the project to ensure that noise levels do not exceed 55 decibels (dbl) in pre-existing Noise Sensitive Areas (NSAs). The holder of the blanket certificate would determine what constitutes a potentially-affected NSA.

This revised rule would apply to compression facilities eligible for a blanket certification. In promulgating rules for the blanket certification program in 1982, the Commission's Environmental Assessment determined that, subject to compliance with the standard environmental conditions, projects under the blanket program would not have a significant environmental impact.

As discussed in the notice, the Noise Control Act of 1972 requires all federal agencies to promote an environment free of noise that can jeopardize public health and welfare. However noise impacts that can degrade habitat values or interfere with the normal feeding and reproductive behaviors of wildlife are not mentioned. The Environmental Protection Agency in 1974 defined 55 dbl as necessary to protect against speech interference and sleep disturbance for residential, education, and healthcare NSAs, in other words, impacts to humans, not wildlife.

Because the rule does not specifically define NSAs to include areas where excessive noise could have significant impacts to wildlife resources, and because the blanket certification does not include an environmental review of these projects, the Department is concerned that the presence of sensitive species in a project area may result in a significant environmental impact due to noise. Noise can impair the ability of birds, such as owls, to hunt successfully or may cause them to abandon nests and territories. In addition, noise may adversely affect the quality and use of habitat for other wildlife including amphibians, invertebrates, and mammals.

Based on a review of the proposed revision, and previous notices related to this notice, it is unclear that screening for threatened and endangered species, or species or habitats of special significance, is required for projects authorized by blanket certification. If this is a requirement, the Department recommends that it be stated explicitly in the revised rule. If screening is not required, the Department recommends it be part of the process for being included under blanket certification.

The Department also recommends that project proponents be required to contact the Department's Fish and Wildlife Service and appropriate state fish and wildlife agency or state Natural Heritage Database to determine the presence of threatened or endangered species and species or habitats of special significance in the project vicinity that could be affected by excessive noise. If the screening identifies the presence of these species or habitats, the project should not be covered under a blanket certification, but rather should be evaluated under a case-by-case certificate authorization.

Please contact Ms. Nancy Lee, Chief, Branch of Advanced Planning and Habitat Conservation, Fish and Wildlife Service, at 703-358-2183, if you have any questions or need further information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Willie Taylor", written in a cursive style.

Willie Taylor, Director
Office of Environmental Policy and
Compliance

cc: FERC Service List