

programs described in this application, Texas Gas requests that the Commission issue the following authorizations:

(1) A blanket certificate of public convenience and necessity authorizing Texas Gas's producer-suppliers to make sales for resale in interstate commerce of NGA gas released by Texas Gas for which the maximum lawful price would be equal to or greater than the Section 109 price;

(2) An order authorizing temporary abandonment of sales for resale of NGA gas for which the maximum lawful price would be equal to or greater than the Section 109 price to the extent that such gas would be released by Texas Gas to its producer-suppliers for resale under this certificate;

(3) To the extent necessary, a blanket certificate of public convenience and necessity authorizing Texas Gas as well as other interstate pipelines to transport the gas supplies released and sold pursuant to this certificate in the interstate commerce on a self-implementing basis, in accordance with the terms and provisions of this application;

(4) To the extent necessary, authorization for any intrastate pipeline, Hinshaw pipeline or local distribution company to transport, on a self-implementing basis, the base released and sold pursuant to this certificate in accordance with the terms and provisions of section 311 of the NGPA and this application;

(5) A waiver of the requirements of §§ 157.24, 157.25 and 157.30 of the Commission's Regulations under the NGA on behalf of Texas Gas's producer-suppliers;

(6) A blanket certificate of public convenience and necessity authorizing Texas Gas to construct and operate any minor incidental facilities necessary to effect the transportation and delivery of the gas purchased and sold under the certificate issued hereunder and report same pursuant to the reporting requirements imposed on Texas Gas in connection with its blanket certificate obtained in Docket No. CP82-407; and

(7) A waiver of any and all other Commission regulations necessary to effect the purposes of the program described in this application.

Comment date: November 29, 1985, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North

Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FR-2924-2]

Final Determination of the Assistant Administrator for External Affairs Concerning the Bayou aux Carpes Site Pursuant to Section 404(c) of the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Decision to Restrict the Use of the Bayou aux Carpes Site for the Discharge of Dredged or Fill Material in Jefferson Parish, Louisiana.

SUMMARY: This is notice of the Environmental Protection Agency's (EPA) final determination pursuant to Section 404(c) of the Clean Water Act to restrict the use of a 3000 acre wetland site (i.e., the Bayou aux Carpes site) in Jefferson Parish, Louisiana as a disposal site based upon findings that the discharges of dredged or fill material into that site would have unacceptable adverse effects on shellfish beds, fishery areas (including spawning and breeding areas), wildlife, and recreational areas.

EFFECTIVE DATE: The effective date of the Final Determination is October 16, 1985.

FOR FURTHER INFORMATION CONTACT: Charles K. Stark, Jr., Aquatic Resources Division, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-8796.

Copies of EPA's final determination are available for inspection in the Public Information Reference Unit, EPA library, Room M 2904, 401 M Street, SW., - Washington, DC 20460 and at the Federal Activities Branch, EPA Region VI, 1201 Elm Street, Dallas, Texas 75270.

SUPPLEMENTARY INFORMATION: Under section 404(c) of the Clean Water Act, the Administrator of EPA has the authority to prohibit or restrict the use of a site as a disposal site for dredged or fill material, after notice and opportunity for public hearing, whenever he determines that such disposal will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Responsibility for 404(c) determinations has been formally delegated to the Office of the Assistant Administrator for External Affairs.

In accordance with the section 404(c) regulations (40 CFR Part 231), EPA's Regional Administrator for Region VI, Mr. Dick Whittington, initiated section

404(c) proceedings with respect to a 3000 acre wetland site (i.e., the Bayou aux Carpes site) in Jefferson Parish, Louisiana. This site is tidally connected to Barataria Bay via Bayou Barataria and is part of the Barataria Basin. His action was in response to a judicial action in the U.S. District Court for the Eastern District of Louisiana (on remand from the U.S. Court of Appeals for the 5th Circuit). In this judicial action, Judge Lansing Mitchell, in September, 1984, directed that a Corps of Engineers' flood control project (the Harvey Canal-Bayou Barataria Levee Project) be completed, as originally designed, but stayed his order to allow EPA an opportunity to exercise its section 404(c) authority. The project is designed to provide flood control and land reclamation benefits. In addition, completion of the flood control project may lead to additional proposals involving the discharge or fill material into the Bayou aux Carpes site by private property owners. Both completion of the original Corp's flood control project and subsequent filing activities will result in the loss of the Bayou aux Carpes wetland site. The background of this action is summarized in the Region's notice of proposed determination and public hearing (published at 50 FR 20602, May 17, 1985).

On September 4, 1985, Mr. Whittington forwarded his recommended determination and the administrative record EPA headquarters for review and final determination on the Bayou aux Carpes site. Mr. Whittington's recommendation to restrict the use of the Bayou aux Carpes site for the discharge of dredged or fill material was based upon anticipated unacceptable adverse effects on shellfish beds and fishery areas (including spawning and breeding areas), wildlife, and recreational areas.

EPA has considered the record in this case, including public comments, the public hearing record, site specific evaluations, coordination with affected property owners, and information provided by other agencies and knowledgeable individuals. Based upon this review EPA has determined that the discharges of dredged or fill material regulated under section 404 of the Clean Water Act within the Bayou aux Carpes site, including those involved in completing the Corps' original flood control project, would eliminate the existing wetlands thereby resulting in unacceptable adverse effects to shellfish beds and fishery areas (including spawning and breeding areas), wildlife, and recreational areas. Specifically, the loss of the Bayou aux Carpes site would eliminate wildlife habitat utilized by the

American alligator, which is threatened in the State of Louisiana, the osprey and the wood duck which are National Species of Special Emphasis, as well as a number of other species of mammals, amphibians and reptiles. The loss of the site would also eliminate fisheries habitat utilized by estuarine species of commercial importance such as the blue crab and fresh water species of recreational value such as blue catfish. The loss of currently available fish and wildlife habitat at the site would eliminate the site's recreational value which includes fishing and hunting (with property owner's permission). In addition, the loss of the Bayou aux Carpes site would eliminate the production and export of detritus (organic material in various stages of decay) which is utilized as a food source by fish and shellfish in Bayou Barataria and Barataria Bay thus adversely affecting these downstream fisheries resources. The site's filtering of pollutants and excess nutrients from incoming tides would be lost; this would contribute to the adverse effects on fish and shellfish because adjacent waters of Bayou Barataria and Barataria Bay must assimilate these materials. Completion of the Corps' flood control project would also adversely affect fish, wildlife and recreational values of the Barataria Unit of the Jean Lafitte National Historical Park which contains wetlands that are hydrologically connected to the Bayou aux Carpes site.

EPA's decision restricts the Bayou aux Carpes site for any discharges of dredged or fill material, including those associated with the original Harvey Canal-Bayou Barataria Levee Project with three exceptions. The first exception is discharges associated with the completion of the modified Harvey Canal-Bayou Barataria Project; the second exception is discharges associated with routine operation and maintenance of the Southern Natural Gas Pipeline; the third exception is discharges associated with habitat enhancement, EPA has determined that these three types of activities, when performed in accordance with restrictions applied by EPA as well as any permit conditions imposed by the Corps of Engineers through the permit process, are unlikely to result in significant adverse effects to the aquatic environment.

Dated: November 7, 1985.

Jennifer Joy Manson,
Assistant Administrator for External Affairs.
[FR Doc. 85-27197 Filed 11-14-85; 8:45 am]
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[ER-FRL-2923-7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared October 28, 1985 through November 1, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated October 19, 1984 (49 FR 41108).

Draft EIS's

ERP No. D-AFS-F65014-MI, Rating EC2, Hiawatha Nat'l Forest, Land and Resource Mgmt. Plan, MI. Summary: EPA commented that the DEIS provides little information on present water quality conditions or on potential impacts to water quality in the Forest that could occur with the implementation of the proposed Plan. Additionally, sections of the DEIS relating to air quality and noise were identified as also requiring additional information. EPA identified the types of information and analysis that should be added to the DEIS to make the information presented available and understandable by the members of the public.

ERP No. D-AFS-J65142-UT, Rating EC2, Fishlake Nat'l Forest, Land and Resource Mgmt. Plan, UT. Summary: EPA believes that the proposed alternative (Alternative 11), with corrective measures, provides an environmentally acceptable management plan. EPA has identified numerous concerns regarding management of water quality standards, watersheds, riparian/wetland areas, and aquatic life. To meet these concerns, EPA has requested additional impact analysis and further development/revision of requirements for individual and cumulative impacts assessment, best management practices, monitoring, Plan implementation coordination, and for correcting existing resource problems. State and EPA antidegradation requirements for water quality need to be addressed.

ERP No. D-COE-H36091-IA, Rating EC2, Muscatine Island Levee District and Muscatine Louisa County Drainage District No. 13, Local Flood Protection Plan, Mississippi R., IA. Summary: EPA