



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202 – 2733

Office of the Regional Administrator

December 2, 2014

Ms. Kelli M. Dowell
Assistant General Counsel – Environmental
Entergy Services, Inc.
Post Office Box 1640 39215
Jackson, Mississippi 39201

Dear Ms. Dowell:

In response to your request of August 18, 2014, to perform work in the Bayou aux Carpes Clean Water Act Section 404(c) site, we published a Notice and Request for Comments in the *Federal Register* on October 7, 2014. We received no comments from the public and one statement of federal agency support for the proposed EPA action to approve the Entergy Louisiana, L.L.C. (Entergy) request, which came from the Jean Lafitte National Historical Park and Preserve. During the comment period, we also submitted and obtained concurrence from the Louisiana Department of Natural Resources Office of Coastal Management on a coastal consistency determination in accordance with Section 307(c) of the Coastal Zone Management Act of 1972.

In addition to those coordination efforts, we have completed our technical and programmatic reviews of your request. As a result, we have decided to grant permission to Entergy to perform limited activities in the Bayou aux Carpes CWA Section 404(c) site in Jefferson Parish, Louisiana. The EPA is recognizing and approving coverage for the continued operation and maintenance of the portion of the Barataria to Alliance Transmission Line and an associated distribution line located in the Bayou aux Carpes CWA Section 404(c) site under an exception provided in the October 16, 1985, EPA Bayou aux Carpes Final Determination.

The 1985 CWA Section 404(c) EPA decision to restrict the use of the Bayou aux Carpes site for the discharge of dredged or fill material included three exceptions. The second exception covered discharges associated with the routine operation and maintenance of portions of the Southern Natural Gas Pipeline that crossed the site. The terms of that exception were subsequently extended to Shell Pipeline Corporation in 1992 for work on another pipeline that predated the 1985 EPA restriction. We have decided to extend coverage under that same exception in the Final Determination as amended to Entergy for the purposes specified in the August 18, 2014, request. The EPA has determined that the activities proposed by Entergy are similar to those previously approved for the Southern Natural Gas pipeline and the Shell pipeline in that the electrical lines existed prior to the 1985 EPA decision and the maintenance work is expected to incur only minor and temporary wetland impacts.

This decision reflects a unique set of circumstances and does not have any bearing on any other CWA Section 404(c) determinations, amendments, or modification requests. Each CWA Section 404(c) designation represents a unique situation that responds to a specific set of parameters unlike any other.

This CWA Section 404(c) approval covers discharges expected to impact no more than a total of 0.003 acres of wetlands (approximately 1.35 cubic yards) within the Bayou aux Carpes CWA Section 404(c) site from dredged or fill material associated with ongoing Entergy activities to provide electrical service to residential, commercial, military, industrial, and other facilities in nearby Plaquemines Parish. The activities are restricted to those included in the August 18, 2014, request by Entergy and enclosed with this notice of approval. This work includes such routine maintenance as inspecting towers and lines for damage, replacing tower coatings, reapplying cathodic protection on foundations and anchors, cutting vegetation away from overhead lines, limited spot treatments with approved herbicides, and other emergency repairs including tower replacements in the same location. Entergy expects that any replacement of towers would be accomplished without discharging dredged or fill material, with the exception of tower structure #31. In that instance, special procedures should be employed whereby the old foundations would be left in place and the new foundations would be situated nearby. In all cases, the access to the site, the types of work and repair methods, and the kinds of vehicles and machinery to be used shall be designed so as to avoid and minimize wetland impacts and shall be in accordance with the methods specified in the August 18, 2014, Entergy request.

Entergy shall be the responsible entity for ensuring compliance with the terms of this approval. Entergy shall be responsible for ensuring that all employees and contractors working within the Bayou aux Carpes CWA Section 404(c) site understand the terms and extent of this approval. Any violation of the terms of this approval shall be reported by Entergy to the EPA by telephone immediately upon discovery, followed by a written report by Entergy describing the circumstances and ecological impacts. In this event, all related work activities shall cease until resolution is reached with the EPA.

Entergy shall notify Jean Lafitte National Historical Park and Preserve prior to each instance during which inspections (including aerial inspections) or operations and maintenance work is performed within the Bayou aux Carpes CWA Section 404(c) site. In each instance, Entergy shall employ the least damaging equipment and repair methods possible.

This approval does not cover any activities that would impact wetlands in the Bayou aux Carpes CWA Section 404(c) site associated with any alternatives for placing the currently out of service distribution line back into service or to remove the 3,415 foot-long distribution line and associated 15 wooden poles. Similarly, this approval does not cover the deactivation of the transmission line or the removal of the 11,534 foot-long power line and 15 transmission structures within the Bayou aux Carpes CWA Section 404(c) site. Such activities should be specifically coordinated in advance with EPA Region 6 and Jean Lafitte National Historical Park and Preserve.

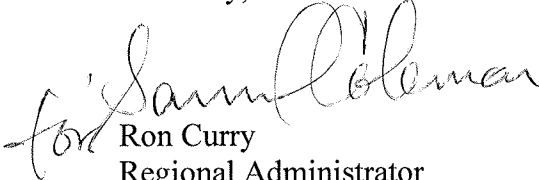
This approval does not provide authorization under Section 10 of the Rivers and Harbors Act of 1899 or Section 404 of the Clean Water Act for Entergy's proposed discharges. Entergy must obtain authorization from the Corps of Engineers in order to proceed with any activities governed by these statutes at the Bayou aux Carpes CWA Section 404(c) site. Entergy shall also

be responsible for obtaining all necessary permits and approvals from the National Park Service for the Jean Lafitte National Historical Park and Preserve. In addition, Entergy shall be responsible for obtaining any other necessary permits, notices and approvals at all levels of government and for conducting all required regulatory coordination prior to implementing any of the work covered by this approval.

In the event that Entergy determines that the continued operation and maintenance activities covered by this exception will cause or are likely to cause unanticipated and unacceptable adverse impacts it shall notify the EPA. Similarly, if the EPA determines that the continued operation and maintenance activities covered by this exception will cause or are likely to cause unanticipated and unacceptable adverse impacts, the EPA may reconsider this approval.

Thank you for your diligence, prior to submitting a formal request, in coordinating at length with my staff to develop strategies for avoiding and minimizing wetland impacts from all aspects of the expected work activities. We believe the result is a plan which will protect the unique ecological functions and coastal habitat of the Bayou aux Carpes CWA Section 404(c) site.

Sincerely,


for Ron Curry
Regional Administrator

Enclosure

