

company's Chicago facility, and perform other injunctive relief.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States versus The Sherwin-Williams Company*, Civil Action No. 93-C-4267, and the Department of Justice Reference No. 90-5-2-1-1829.

The proposed consent decree may be examined at the Office of the United States Attorney, Northern District of Illinois, Everett McKinley Dirksen Building, Room 1200, 219 South Dearborn Street, Chicago, Illinois 60604; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, 202-624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$32.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*
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BILLING CODE 4410-15-M

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Availability of Draft Environmental Assessment

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of availability of Draft Environmental Assessment.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR parts 1500 through 1508); and the Operational Procedures of the United States Section, International Boundary and Water Commission, United States and Mexico (USIBWC), for Implementing Section 102 of NEPA, published in the Federal Register September 2, 1981 (46FR

44083-44094); the USIBWC hereby gives notice that a Draft Environmental Assessment (DEA) prepared by TransTexas Gas Corporation (TransTexas), Houston, Texas, to address the potential adverse environmental impacts of placement of a natural gas well pad and associated works within the Falcon Dam and Reservoir Project, Zapata County, Texas, is available for review and comment. The DEA addresses the proposed action for the USIBWC to issue a land use permit to TransTexas to construct a drill pad for the purpose of drilling natural gas wells on an island located on USIBWC real property within the international Falcon Reservoir.

ADDRESSES: Mr. Yusuf E. Farran, Division Engineer, Environmental Management Division, United States Section, International Boundary and Water Commission, United States and Mexico, 4171 North Mesa Street, C-310, El Paso, Texas 79902-1441. Telephone: 915/534-6704.

SUPPLEMENTARY INFORMATION: In January, 1996, TransTexas Gas Corporation (TransTexas) requested the United States Section, International Boundary and Water Commission, United States and Mexico (USIBWC), to grant them permission to construct a drill pad site above the 307-foot mean sea level elevation on an island located within USIBWC real property below the 307-foot elevation traverse (the United States property line also called the "307-foot traverse") within the international Falcon Reservoir for the purpose of drilling eight natural gas wells. The construction of the well pad at the location referred to as Porcion 18 within the reservoir is desirable, due mainly to technical constraints associated with current directional drilling, to enable the full development of private and public gas reserves in the western portion of TransTexas' gas lease area. The gas lease area is situated entirely under Falcon Reservoir with very limited land available to reach the required bottom hole locations.

The USIBWC began coordination with the United States Bureau of Land Management (BLM), the federal authorizing agency which would approve an application by TransTexas for a permit to drill for federal reserves within the reservoir. BLM indicated it would not approve the application for permit to drill until the USIBWC determined whether it would waive the stipulation that prohibits oil and natural gas development at that site. Both agencies agreed that due to a lack of both funding resources and human resources for an agency produced

document and an immediate need by TransTexas to gain access to private and public reserves within the reservoir, a third party environmental analysis would be acceptable for determination of the significance of the impacts of the federal action of the USIBWC granting exceptions to its policy of prohibiting any mineral exploration or development within its property at Falcon Reservoir. A programmatic environmental assessment that addresses the USIBWC's granting exceptions to its policy of prohibiting any mineral exploration or development within its property at Falcon Reservoir is being processed under separate notice in the Federal Register. Although this site specific environmental assessment is prepared and processed simultaneously with the Draft Programmatic Environmental Assessment for potential oil and natural gas development below the 307-foot traverse property line at Falcon Reservoir but above the 307-foot mean sea level elevation, no final action will be taken on this site specific document until the PEA is complete and final action is declared on it.

Proposed Action

The action proposed is for the USIBWC to issue a land use permit to TransTexas to construct a drill pad site on an island above the 307-foot mean sea level elevation located on USIBWC real property below the 307-foot traverse property line within Falcon Reservoir for the purpose of drilling eight natural gas wells. This would be the first time for the USIBWC to grant an exception to its policy of prohibiting oil and gas development upon USIBWC real property under Falcon Reservoir and is dependent upon the outcome of the PEA.

Alternatives Considered

Two alternatives were considered in the Draft Environmental Assessment (DEA):

The Proposed Action Alternative is for the USIBWC to issue a land use permit to TransTexas to construct a drill pad site on an island above the 307-foot mean sea level elevation located on USIBWC real property below the 307-foot traverse property line within Falcon Reservoir. The USIBWC would issue the land use permit if it makes the determination to allow exceptions to its policy of prohibiting oil and natural gas development upon USIBWC real property under the reservoir and if BLM approves the application for permit to drill for public reserves located within the reservoir. The USIBWC land use permit takes into consideration that such works do not interfere with the

operation and maintenance of the Falcon Dam and Reservoir Project. No final action will be taken on this site specific document until the Programmatic Environmental Assessment is complete and final action is declared on it.

The No Action Alternative is for the USBWC to not issue a land use permit to TransTexas to construct a drill pad and associated works on an island on USBWC real property at Porcion 18 at Falcon Reservoir. BLM would only be able to approve an application for permit to drill from a site above the 307-foot traverse property line; hence outside the reservoir. TransTexas would need to consider use of alternative means to recover private and public natural gas reserves within the reservoir. The no action alternative would result in no development below the 307-foot traverse for private and public reserves in the western portion of TransTexas' lease area; avoidance of any potential impacts associated with the proposed action; the loss of tax and royalty revenues to the local, state and federal governments; the loss of royalty revenues to mineral owners; and the loss of an otherwise recoverable clean energy source.

Environmental Assessment

The USBWC has coordinated with BLM, the agency responsible for permitting Federal reserves within the reservoir, and TransTexas in the development of the Draft Environmental Assessment (DEA). The DEA is tiered from the PEA and describes the historical and existing development of oil and natural gas in the general vicinity (but above the 307-foot traverse property line) of the reservoir and the planned oil and natural gas activities within or adjacent to the Porcion 18 site. It analyzes the specific impacts expected from natural gas development in the foreseeable future and the cumulative environmental impacts of natural gas development upon USBWC real property at Falcon Reservoir. The Draft EA discusses mitigation measures to avoid impacts to and minimize degradation of environmental resources within and adjacent to the reservoir. The USBWC approved the completed DEA from TransTexas for proposed natural gas development at Porcion 18, and it is currently available for review and comment.

Finding of the Environmental Assessment

Final action on this site specific DEA will not be taken until the Programmatic Environmental Assessment is complete and final action is declared on it. The

DEA indicates that the proposed action for the USBWC to issue a land use permit for natural gas development within the USBWC real property at Porcion 18 at Falcon Reservoir does not constitute a major federal action which would cause a significant local, regional, or national adverse impact on the environment based on the following facts:

1. Construction, drilling and production activities at the Porcion 18 swell pad site will have no significant adverse impacts on air quality. Standard construction practices to control fugitive dust shall be used, and emissions will be minimized through properly maintained equipment.

2. The slight impacts from construction, drilling and production activities associated with noise at the Porcion 18 well pad site are fully mitigable through vegetative buffer zones, equipment noise suppressors, and avoidance of critical wildlife use periods.

3. Negligible impacts to geologic and water resources are mitigable through the use of erosion and sediment control measures and devices, secondary containment measures, best management practices during all phases of development at the Porcion 18 well pad site, and use of site specific spill prevention control and countermeasure plans.

4. Biological resources shall be protected from impacts by total avoidance of clearing within the heavy brush corridor adjacent to Porcion 18, reptile exclusion fences around the drill pad location, and an interior least tern monitoring plan coordinated by the appropriate federal and state conservation agencies. Based on site surveys, federally listed species are not likely to be adversely affected by the proposed action provided these mitigation measures are followed.

5. Impacts to cultural resources shall be mitigated through avoidance of sites determined to be eligible for the National Register of Historic Places and implementation of a Memorandum of Agreement for mitigating impacts if avoidance is not viable. These measures shall be completed prior to BLM approval of the application for permit to drill, USBWC issuance of a land use permit, and any development at the Porcion 18 drill site. Additionally, construction activity shall be monitored by a qualified archaeologist with full authority to terminate construction if cultural resources are likely to be impacted at the site.

6. Negligible impacts associated with land use and transportation will not require additional mitigation.

7. Negligible impacts associated with visual resources are mitigable through properly placed night lighting, painting of the facility to blend with the surrounding terrain and vegetation, and alignment of the access road and utility corridor to limit the view of the facility from the shoreline.

Availability

The DEA is available for public review at the USBWC Falcon Dam Field Office, Falcon Road, Falcon Heights, Texas 78545; and it has also been distributed to Federal, State, and local agencies and organizations that have been consulted and coordinated with in the preparation of the DEA. A limited number of copies are available to fill single copy requests at the above address. The USBWC will not take final action on this DEA until the Draft Programmatic Environmental Assessment is complete and final action is declared on it.

Dated: February 10, 1997.

Randall A. McMains,
Attorney.

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BILLING CODE 4710-03-M

Finding of No Significant Impact

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.
ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Based on a Draft Programmatic Environmental Assessment (PEA) prepared by TransTexas Gas Corporation (TransTexas), Houston, Texas, to address the potential adverse environmental impacts of oil and natural gas development within the Falcon Dam and Reservoir Project, Starr and Zapata counties, Texas; the United States Section, International Boundary and Water Commission, United States and Mexico (USBWC), finds that the proposed action to grant exceptions to the USBWC policy of prohibiting development within the reservoir is not a major federal action that would have a significant adverse effect on the quality of the human environment. Therefore, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR Parts 1500 through 1508); and the USBWC's Operational Procedures for Implementing Section 102 of NEPA, published in the Federal Register September 2, 1981 (46FR 44083-44094); the USBWC hereby