

**DEPARTMENT OF ENERGY**

[FE Docket No. PP-206]

**Notice of Floodplain and Wetlands Involvement, Frontera Generation Limited Partnership****AGENCY:** Office of Fossil Energy, DOE.**ACTION:** Notice of floodplain/wetland involvement.

**SUMMARY:** Frontera Generation Limited Partnership (Frontera) has applied for a Presidential permit to construct, connect, operate, and maintain electric transmission facilities across the U.S. border with Mexico. In accordance with DOE regulations for compliance with floodplain/wetlands environmental review requirements (10 CFR Part 1022), a floodplain or wetlands assessment will be performed for this proposed action in a manner so as to avoid or minimize potential harm to or within potentially affected floodplain and wetlands.

**DATES:** Comments are due to the address below no later than May 11, 1999.

**ADDRESSES:** Written comments, questions about the proposed action, and requests to review the draft environmental assessment should be directed to: Ellen Russell, Office of Coal & Power Import and Export (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-0350. Fax: (202) 287-5736. E-mail: Ellen.Russell@hq.doe.gov.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell (Program Office) 202-586-9624 or Michael T. Skinker (Program Attorney) 202-586-6667.

**FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN AND WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS**

**CONTACT:** Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0119; Phone: 202-586-4600 or leave a message at 800-472-2756.

**SUPPLEMENTARY INFORMATION:** Under Executive Order 11988, Floodplain Management, and 10 CFR Part 1022, Compliance with Floodplain-Wetlands Environmental Review Requirements (<http://tis-nt.eh.doe.gov/nepa/tools/regulate/nepa-reg/1022/1022.htm>), notice is given that DOE is considering an application from Frontera for a Presidential permit to construct, connect, operate, and maintain electric transmission facilities across the U.S. border with Mexico. Frontera proposes to construct a temporary 138,000-volt (138-kV) transmission line across the

U.S. border with Mexico, near Mission, Texas, in June, 1999. The line would be approximately two miles long and constructed on wooden poles. At a later date, Frontera proposes to construct a permanent, double-circuit 230-kV transmission line on steel towers along the same right-of-way and subsequently remove the temporary 138-kV facilities. Notice of Frontera's application for a Presidential permit appeared in the **Federal Register** on March 9, 1999 (64 FR 11457).

Before making a final decision on granting or denying a Presidential permit to Frontera, DOE will prepare an environmental assessment (EA) to address the environmental impacts that would accrue from the proposed project and reasonable alternatives. The EA will be prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). The EA will include a floodplain and wetlands assessment. DOE expects to have a draft of the EA available for public review in May, 1999. Copies may be requested by telephone, facsimile, or e-mail from the address given above. A floodplain statement of findings will be included in any Finding of No Significant Impact that may be issued following completion of the EA.

Issued in Washington, D. C., on April 19, 1999.

**Anthony J. Como,**

*Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Fossil Energy.*

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**DEPARTMENT OF ENERGY****Floodplain Statement of Findings for the Transfer of Parcel H at the Miamisburg Environmental Management Project**

**AGENCY:** Department of Energy (DOE), Ohio Field Office, Miamisburg Environmental Management Project (MEMP).

**ACTION:** Floodplain statement of findings.

**SUMMARY:** This is to give notice of DOE's proposal to transfer ownership of approximately 14 acres of property in the northeast corner of the MEMP site, commonly referred to as "Parcel H;" the MEMP site is located approximately 10 (ten) miles southwest of Dayton, Ohio. A small portion of Parcel H lies within the 100-year floodplain, i.e., the area is subject to a 1% chance per year of inundation from a nearby tributary of the Great Miami River. In accordance

with 10 CFR 1022.5(d), DOE has identified those uses that are restricted under Federal, state, and local floodplain regulations. Several restrictions are found in state and local codes; these restrictions would apply to any future land owner, and are aimed exclusively at future development within the floodplain (e.g., construction of a building, modification of an existing public water system, operation of a hazardous waste management facility). There are no state or local floodplain protection standards governing the transfer (e.g., sale) of property that lies within a floodplain. As a part of the transfer, however, the DOE will make the future owner of Parcel H aware of the applicable governing regulations for development within or adjacent to the 100-year floodplain. It is the responsibility of the future land owner to comply with those regulations.

Consistent with 10 CFR 1022.12(a), an assessment describing the effects of the proposed action on the floodplain and other alternatives to the proposed action was prepared. Other options which were considered included sale of the property to another landlord or the Government Services Agency, long term lease, and no action (i.e., the land would continue in its current use under DOE ownership). The assessment concluded that these alternatives would be less successful or unsuccessful in meeting DOE's objective of quickly dispositioning real property. These alternatives also provide limited support for joint community/DOE goals to transition the site to an end-use that provides for economic redevelopment.

Relative to 10 CFR 1022.15(b)(4), the proposed action conforms to the appropriate floodplain protection standards, in the sense that any development of Parcel H by future landowners would be subject to all applicable Federal, state and local statutes, regulations and/or restrictions governing development activities within a floodplain. No such restrictions apply to the transfer of the floodplain property itself. Given the extent to which floodplain management is regulated (e.g., through design and construction constraints), it is reasonable to assume that potential harm to or within the floodplain would be minimized and that future development would not have an adverse effect on lives, property, or the environment. Therefore, no short- or long-term effects are expected as a result of the proposed action. Nor would the proposed action adversely affect the natural and beneficial values of the bulk of the 100-year floodplain that lies