

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 11, 2010.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2010-12486 Filed 5-24-10; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1112]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

**DATES:** Comments are to be submitted on or before August 23, 2010.

**ADDRESSES:** The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-1112, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:**

Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are

made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

*National Environmental Policy Act.*

This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Executive Order 12866, Regulatory Planning and Review.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

*Executive Order 13132, Federalism.*

This proposed rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This proposed rule meets the applicable standards of Executive Order 12988.

#### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

#### PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

#### § 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Carter County, Kentucky, and Incorporated Areas				
Barrett Creek (Backwater from Little Sandy River).	From the confluence with the Little Sandy River to approximately 0.5 mile upstream of Eagle Drive.	None	+581	Unincorporated Areas of Carter County.
Bens Run (Backwater from Tygarts Creek).	From the confluence with Tygarts Creek to approximately 0.6 mile upstream of the confluence with Tygarts Creek.	None	+752	Unincorporated Areas of Carter County.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Big Sinking Creek (Backwater from Little Sandy River).	From the confluence with the Little Sandy River to approximately 0.5 mile upstream of the confluence with the Little Sandy River.	None	+610	Unincorporated Areas of Carter County.
Davy Run (Backwater from Little Fork Little Sandy River).	From the confluence with Little Fork Little Sandy River to approximately 0.6 mile upstream of the confluence with Little Fork Little Sandy River.	None	+613	Unincorporated Areas of Carter County.
Dry Branch (Backwater from Tygarts Creek).	From the confluence with Tygarts Creek to just downstream of U.S. Route 60.	None	+804	Unincorporated Areas of Carter County.
Fourmile Creek (Backwater from Little Sandy River).	From the confluence with the Little Sandy River to approximately 400 feet upstream of Glory Lane.	None	+604	Unincorporated Areas of Carter County.
Huff Run (Backwater from Little Fork Little Sandy River).	From the confluence with Little Fork Little Sandy River to approximately 0.7 mile upstream of the confluence with Little Fork Little Sandy River.	None	+616	Unincorporated Areas of Carter County.
Johns Run (Backwater from Little Fork Little Sandy River).	From the confluence with Little Fork Little Sandy River to approximately 0.6 mile upstream of the confluence with Little Fork Little Sandy River.	None	+623	Unincorporated Areas of Carter County.
Lost Creek (Backwater from Dry Fork).	From the confluence with Dry Fork to approximately 0.5 mile downstream of Eddie Dean Road.	None	+632	Unincorporated Areas of Carter County.
Straight Creek (Backwater from Little Fork Little Sandy River).	From the confluence with Little Fork Little Sandy River to approximately 1,750 feet downstream of Mount Savage Lane.	None	+609	Unincorporated Areas of Carter County.
Wolf Creek (Backwater from Little Sandy River).	From the confluence with the Little Sandy River to approximately 0.6 mile upstream of the confluence with the Little Sandy River.	None	+603	Unincorporated Areas of Carter County.

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Unincorporated Areas of Carter County

Maps are available for inspection at 300 West Main Street, Grayson, KY 41143.

Butler County, Nebraska, and Incorporated Areas				
Platte River .....	Approximately 100 feet downstream of the Saunders County boundary.	None	+1,309	Unincorporated Areas of Butler County.
	Approximately 575 feet downstream of the Polk County boundary.	None	+1,442	

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#### ADDRESSES

##### Unincorporated Areas of Butler County

Maps are available for inspection at 451 North 5th Street, David City, NE 68632.

Otoe County, Nebraska, and Incorporated Areas				
Missouri River .....	At easternmost tip of the Otoe County limits .....	+913	+914	City of Nebraska City, Unincorporated Areas of Otoe County.
	At Nebraska Highway 2/Burlington Northern Railroad	+930	+931	
	At Everett Lane extended .....	+940	+943	

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#### ADDRESSES

##### City of Nebraska City

Maps are available for inspection at 1409 Central Avenue, Nebraska City, NE 68410.

##### Unincorporated Areas of Otoe County

Maps are available for inspection at the Otoe County Courthouse, 1021 Central Avenue, Nebraska City, NE 68410.

#### Rio Arriba County, New Mexico, and Incorporated Areas

Llano Ditch Tributary .....	Just downstream of McCurdy Road Northwest .....	None	+5,655	Unincorporated Areas of Rio Arriba County, Pueblo of Ohkay Owingeh.
	Just upstream of Simmons Lane .....	None	+5,705	

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#### ADDRESSES

##### Pueblo of Ohkay Owingeh

Maps are available for inspection at the Governor's Office, 1 Kee Road, Espanola, NM 87532.

##### Unincorporated Areas of Rio Arriba County

Maps are available for inspection at the County Clerk's Office, 1122 Industrial Park Road, Espanola, NM 87532.

#### Wake County, North Carolina, and Incorporated Areas

Basin 10, Stream 13 .....	At the confluence with Basin 10, Stream 14 .....	+277	+276	Unincorporated Areas of Wake County.
	Approximately 1,400 feet upstream of the confluence with Basin 10, Stream 14.	+277	+276	
Basin 10, Stream 14 .....	Approximately 0.5 mile upstream of the confluence with the Little River.	+269	+268	Unincorporated Areas of Wake County.
	At the Wake County boundary .....	+306	+307	
Horse Creek Tributary 1 .....	At the downstream side of Keighley Forest Drive .....	None	+341	Unincorporated Areas of Wake County.
	Approximately 850 feet upstream of Keighley Forest Drive.	None	+345	
Richland Creek .....	Approximately 850 feet upstream of the confluence with Richland Creek Tributary 2.	+302	+301	Town of Wake Forest.
	Approximately 500 feet downstream of the confluence with Hattles Branch.	+312	+315	
Richland Creek Tributary 2 ...	Approximately 750 feet upstream of the confluence with Richland Creek.	None	+301	Town of Wake Forest.
	Approximately 0.4 mile upstream of the confluence with Richland Creek.	None	+317	

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Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Town of Wake Forest

Maps are available for inspection at the Planning Department, 401 Elm Street, Wake Forest, NC 27587.

##### Unincorporated Areas of Wake County

Maps are available for inspection at the Wake County Office Building, Environmental Services, 1st Floor, 337 Salisbury Street, Raleigh, NC 27601.

#### Wagoner County, Oklahoma, and Incorporated Areas

Adams Creek .....	Approximately 717 feet downstream of the confluence with School Creek.	None	+600	Town of Fair Oaks.
	Approximately 0.61 mile upstream of the confluence with School Creek.	None	+605	
Salt Creek .....	Approximately 0.60 mile downstream of 305th Avenue	None	+557	Town of Fair Oaks.
	Approximately 365 feet upstream of 257th Avenue .....	None	+607	
Verdigris River .....	Approximately 245 feet downstream of 72nd Street .....	None	+516	Town of Okay.
	Approximately 0.45 mile upstream of 72nd Street .....	None	+516	

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#### ADDRESSES

##### Town of Fair Oaks

Maps are available for inspection at the Office of the County Commissioner, 219 South Missouri Street, Claremore, OK 74017.

##### Town of Okay

Maps are available for inspection at the Office of the County Commissioner, 306 East Cherokee Street, Wagoner, OK 74107.

#### Erath County, Texas, and Incorporated Areas

North Bosque River .....	Just upstream of East Lingleville Road .....	None	+1,265	Unincorporated Areas of Erath County.
	Approximately 0.5 mile upstream of State Highway 108.	None	+1,276	

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#### ADDRESSES

##### Unincorporated Areas of Erath County

Maps are available for inspection at the Erath County Courthouse, 100 West Washington, Stephenville, TX 76401.

#### Limestone County, Texas, and Incorporated Areas

Salt River .....	Just upstream of State Highway 14 .....	None	+473	Unincorporated Areas of Limestone County.
	Approximately 0.66 mile upstream of State Highway 14.	None	+483	

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#### ADDRESSES

##### Unincorporated Areas of Limestone County

Maps are available for inspection at the Limestone County Courthouse, 200 West State Street, Groesbeck, TX 76642.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance")

Dated: May 11, 2010.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

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**BILLING CODE 9110-12-P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Federal Emergency Management Agency

##### 44 CFR Part 67

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1115]

##### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance

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**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

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*Executive Order 12866, Regulatory Planning and Review.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

*Executive Order 13132, Federalism.* This proposed rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This proposed rule meets the applicable standards of Executive Order 12988.

##### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

##### PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.