

to submit adopted RACT/RACM rules for several source categories by August 31, 2010. EPA has determined that New York will be able to meet this commitment because the State has already adopted rules for two of the source categories and recently proposed, and concluded public comment on, RACT/RACM provisions for all but one of the remaining source categories.

Under section 110(k)(4) of the Act, EPA may conditionally approve a plan based on a commitment from the State to adopt specific enforceable measures by a date certain, but not later than 1 year from the date of approval. If EPA conditionally approves the commitment in a final rulemaking action, the State must meet its commitment to adopt the identified regulations. If the State fails to do so, this action will become a disapproval upon the State's failure to meet its commitment. EPA will notify the State by letter that this action has occurred. If the conditional approval converts to a disapproval, the commitment will no longer be a part of the approved New York SIP. Upon notification to the State that the conditional approval has converted to a disapproval, EPA will publish a notice in the **Federal Register** notifying the public that the conditional approval automatically converted to a disapproval. If EPA disapproves the RACT and RACM SIP submittals, such action will start a sanctions and FIP clock (see section V). If the State meets its commitment, within the applicable time frame, the conditionally approved submission will remain a part of the SIP until EPA takes final action approving or disapproving the RACT and RACM submittals. If EPA approves the submittals, the RACT and RACM analyses will be fully approved into the SIP in their entirety.

#### **V. What are the consequences if a final conditional approval is converted to a disapproval?**

The Act provides for the imposition of sanctions and the promulgation of a federal implementation plan (FIP) if states fail to correct any deficiencies identified by EPA in a final disapproval action within certain timeframes.

##### *A. What are the Act's provisions for sanctions?*

If EPA disapproves a required SIP submittal or component of a SIP submittal, section 179(a) provides for the imposition of sanctions unless the deficiency is corrected within 18 months of the final rulemaking of disapproval. The first sanction would apply 18 months after EPA disapproves the SIP submittal if a state fails to make

the required submittal that EPA proposes to fully or conditionally approve within that time. Under EPA's sanctions regulations, 40 CFR 52.31, the first sanction would be 2:1 offsets for sources subject to the new source review requirements under section 173 of the Act. If the state has still failed to submit a SIP for which EPA proposes full or conditional approval 6 months after the first sanction is imposed, the second sanction will apply. The second sanction is a limitation on the receipt of federal highway funds. EPA also has authority under section 110(m) to sanction a broader area.

##### *B. What federal implementation plan provisions apply if a state fails to submit an approvable plan?*

In addition to sanctions, if EPA finds that a state failed to submit the required SIP revision or disapproves the required SIP revision, or a portion thereof, EPA must promulgate a FIP no later than 2 years from the date of the finding if the deficiency has not been corrected.

#### **VI. Statutory and Executive Order Reviews**

Under the Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act. Accordingly, this proposed action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 23, 2010.

**Judith A. Enck,**

*Regional Administrator, Region 2.*

[FR Doc. 2010-10416 Filed 5-3-10; 8:45 am]

**BILLING CODE 6560-50-P**

#### **DEPARTMENT OF HOMELAND SECURITY**

#### **Federal Emergency Management Agency**

#### **44 CFR Part 67**

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1093]

#### **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 2, 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-1093, 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 those 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	
Douglas County, Illinois, and Incorporated Areas				
Bourbon No. 3 .....	Approximately 0.4 mile downstream of Vine Street .....	None	+654	Unincorporated Areas of Douglas County.
Embarras River .....	At Vine Street .....	None	+658	Village of Camargo.
	Approximately 0.7 mile upstream of U.S. Route 36 .....	None	+641	
Lake Fork .....	Approximately 0.5 mile upstream of Main Street .....	None	+644	Village of Atwood.
	Approximately 900 feet downstream of U.S. Route 36 .....	None	+657	
West Ditch .....	Approximately 100 feet downstream of U.S. Route 36 .....	None	+657	City of Villa Grove, Unincorporated Areas of Douglas County.
	Approximately 50 feet downstream of Sycamore Street.	+649	+650	
West Fork Kaskaskia River ..	Approximately 0.41 mile upstream of Harrison Street	None	+651	Unincorporated Areas of Douglas County.
	At the railroad .....	None	+653	
	Approximately 300 feet upstream of County Road 500 North.	None	+655	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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

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	

\*\*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

##### City of Villa Grove

Maps are available for inspection at City Hall, 612 East Front Street, Villa Grove, IL 61956.

##### Unincorporated Areas of Douglas County

Maps are available for inspection at the Douglas County Courthouse, 401 South Center Street, Tuscola, IL 61953.

##### Village of Atwood

Maps are available for inspection at the Atwood Municipal Building, 110 West Central Avenue, Atwood, IL 61913.

##### Village of Camargo

Maps are available for inspection at the Douglas County Courthouse, 401 South Center Street, Tuscola, IL 61953.

#### Mason County, Illinois, and Incorporated Areas

Ponding .....	North boundary: Private drive approximately 230 feet north of north entrance to Linwood Lake Estates Road/East boundary: Abandoned road approximately 660 feet west of Highway 78/South boundary: Private drive approximately 665 feet north of beginning of North Elm Street/West boundary: Highway 78.	None	+466	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 2,470 feet north of County Highway 1/East boundary: Approximately 0.86 mile east of Olive Street along County Highway 1/South boundary: 385 feet south of County Highway 1/West boundary: Approximately 0.49 mile east of Olive Street along County Highway 1.	None	+471	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 1,300 feet south of County Highway 1/East boundary: Approximately 0.54 mile east of southeastern tip of East Main Street/South boundary: Approximately 0.72 mile south of County Highway 1/West boundary: Approximately 300 feet east of southeastern tip of East Main Street.	None	+472	Unincorporated Areas of Mason County.
Ponding .....	North boundary: 330 feet south of B Street along Highway 78/East boundary: At Highway 78/South boundary: Approximately 810 feet south of B Street along Highway 78/West boundary: 425 feet west of Highway 78.	None	+465	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 1,030 feet north of East 800 North Road along North 1100 East Road/East boundary: Approximately 930 feet east of North 1100 East Road/South boundary: Approximately 1,580 feet south of intersection of East 800 North Road and North 1100 East Road/West boundary: Approximately 1,950 feet east of Highway 78.	None	+465	Unincorporated Areas of Mason County.
Ponding .....	North boundary: At East 800 North Road/East boundary: Approximately 1,380 feet east of Highway 78/South boundary: Approximately 275 feet north of East 750 North Road/West boundary: At Highway 78.	None	+462	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 830 feet north of Hurst Street/East boundary: Approximately 1,200 feet east of Promenade Street along railroad/South boundary: Approximately 760 feet north of Hurst Street/West boundary: Approximately 770 feet west of Promenade Street along railroad.	None	+460	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 430 feet north of Mason Street/East boundary: Approximately 310 feet west of William Boulevard/South boundary: At Mason Street/West boundary: At Mason Street and railroad crossing.	None	+468	Unincorporated Areas of Mason 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	
Ponding .....	North boundary: Approximately 240 feet north of Mason Street/East boundary: Approximately 0.59 mile west of North 1800 East Road/South boundary: Approximately 1,090 feet north of U.S. Route 136/West boundary: Approximately 1,050 feet east of William Boulevard.	None	+472	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 1,230 feet south of intersection of Maywood Street and Oakwood Avenue/East boundary: Approximately 75 feet east of railroad/South boundary: Approximately 1,290 feet south of intersection of Maywood Street and Oakwood Avenue/West boundary: Approximately 25 feet east of railroad.	None	+468	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 125 feet south of Hillcrest Court extended/East boundary: At railroad/South boundary: Approximately 500 feet south of Hillcrest Court extended/West boundary: Approximately 75 feet west of railroad.	None	+476	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 970 feet south of Highway 97 railroad crossing/East boundary: Approximately 480 feet from end of Hillcrest Court/South boundary approximately 1,550 feet south of Highway 97 railroad crossing/West boundary: At railroad.	None	+476	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 0.51 mile north of East 1500 North Road/East boundary: Approximately 140 feet west of Highway 97/South boundary: Approximately 0.47 mile north of East 1500 North Road/West boundary: Approximately 465 feet west of Highway 97.	None	+476	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 1,470 feet north of East 1500 North Road/East boundary: Approximately 0.6 mile west of North 1800 East Road/South boundary: Approximately 940 feet south of intersection of Highway 97 and East 1500 North Road/West boundary: Approximately 625 feet west of intersection of Highway 97 and East 1500 North Road.	None	+480	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Approximately 0.68 mile north of East 1500 North Road/East boundary: Approximately 0.41 mile west of North 1800 East Road/South boundary: Approximately 250 feet south of East 1500 North Road/West boundary: Approximately 1,460 feet west of Highway 97.	None	+480	Unincorporated Areas of Mason County.
Ponding .....	North boundary: Private drive approximately 665 feet north of beginning of North Elm Street/East boundary: Approximately 1,000 feet east of Vine Street/South boundary: Approximately 315 feet north of East 800 North Road/West boundary: Approximately at Highway 78.	None	+463	Village of Bath.
Ponding .....	North boundary: Approximately 250 feet south of County Highway 1/East boundary: Approximately 1,950 feet east of intersection of Olive Street and Cedar Street/South boundary: Approximately 2,000 feet south of intersection of Hickory Street and Main Street/West boundary: 980 feet east of southern tip of Locust Street.	None	#1	Village of Bath.
Ponding .....	North boundary: At Lincoln Street/East boundary: 50 feet west of Highway 78/South boundary: At northernmost entrance to Bath Cemetery/West boundary: Approximately 400 feet west of Highway 78 along 1st Street.	None	#3	Village of Bath.
Ponding .....	North boundary: 225 feet south of 4th Street/East boundary: Approximately 140 feet east of Highway 78/South boundary: Approximately 200 feet north of B Street/West boundary: At Highway 78.	None	+463	Village of Bath.

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	
Ponding .....	North boundary: Approximately 600 feet north of Hurst Street/East boundary: Approximately 125 feet west of Promenade Street/South boundary: Approximately 420 feet north of Hurst Street/West boundary: Approximately 330 feet east of Pearl Street extended.	None	+460	City of Havana.
Ponding .....	North boundary: Approximately 415 feet north of Hurst Street/East boundary: At Promenade Street/South boundary: Approximately 500 feet north of Mound Street/West boundary: Approximately 365 feet east of intersection of Pearl Street and Hurst Street.	None	+460	City of Havana.
Ponding .....	North boundary: Approximately 100 feet south of Mound Street/East boundary: At Promenade Street/South boundary: Approximately 220 feet south of Mound Street/West boundary: Approximately 240 feet east of High Street.	None	+460	City of Havana.
Ponding .....	North boundary: Approximately 60 feet north of Mason Street/East boundary: At Teal Drive/South boundary: At Mason Street/West boundary: Approximately 175 feet west of Teal Drive.	None	+468	City of Havana.
Ponding .....	North boundary: Approximately 20 feet north of Mason Street/East boundary: At Mason Street railroad crossing/South boundary: At Mason Street/West boundary: Approximately 125 feet west of Teal Drive.	None	+468	City of Havana.
Ponding .....	North boundary: Approximately 470 feet north of Mason Street/East boundary: Approximately 1,030 feet east of William Boulevard along Mason Street/South boundary: Approximately 1,300 feet north of Laurel Street/West boundary: At railroad (560 feet east of Teal Drive).	None	+468	City of Havana.
Ponding .....	North boundary: At Mason Street/East boundary: At railroad (560 feet east of Teal Drive)/South boundary: At Adams Street/West boundary: Approximately 230 feet west of Promenade Street along Main Street.	None	+468	City of Havana.
Ponding .....	North boundary: Approximately 915 feet south of Laurel Street/East boundary: Approximately 250 feet west of railroad (560 feet east of Teal Drive)/South boundary: Approximately 410 feet north of East 1600 North Road/West boundary: At Highway 97.	None	+472	City of Havana.
Ponding .....	North boundary: At Windsor Street/East boundary: At Highway 97/South boundary: Approximately 800 feet north of East 1600 North Road along Highway 97/West boundary: Approximately 50 feet west of Highway 97.	None	+472	City of Havana.
Ponding .....	North boundary: Approximately 350 feet north of East 1600 North Road/East boundary: Approximately 375 feet west of Highway 97/South boundary: Approximately 275 feet north of East 1600 North Road/West boundary: Approximately 415 feet east of McKinley Street.	None	+472	City of Havana.
Ponding .....	North boundary: Approximately 140 feet south of East 1600 North Road/East boundary: Approximately 330 feet west of Highway 97/South boundary: Approximately 740 feet south of East 1600 North Road/West boundary: Approximately 500 feet west of Highway 97.	None	+472	City of Havana.
Ponding .....	North boundary: Approximately 80 feet south of intersection of Tinkham Street and Lincoln Street/East boundary: Approximately 535 feet west of Promenade Street/South boundary: Approximately 375 feet south of intersection of Tinkham Street and Lincoln Street/West boundary: Approximately 610 feet west of Promenade Street.	None	+472	City of Havana.

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		Effective	Modified	
Ponding .....	North boundary: Approximately 75 feet south of intersection of Schrader Street and 1st Street/East boundary: Approximately 40 feet west of 1st Street/South boundary: Approximately 110 feet north of Oakwood Avenue/West boundary: Approximately 105 feet east of Highway 78.	None	+467	City of Havana.
Ponding .....	North boundary: Approximately 230 feet south of intersection of Dearborn Street and Water Street/East boundary: Approximately 75 feet east of Highway 78/South boundary: At intersection of Tinkham Street and Water Street/West boundary: Approximately 55 feet west of Highway 78.	None	+467	City of Havana.
Ponding .....	North boundary: At intersection of Water Street and 10th Street/East boundary: Approximately 160 feet east of railroad that runs parallel to Maywood Street/South boundary: Approximately 230 feet south of Water Street railroad crossing/West boundary: At Water Street.	None	#3	City of Havana.
Ponding .....	North boundary: Approximately 810 feet south of Wagner Avenue/East boundary: Approximately 580 feet east of Pear Street/South boundary: Approximately 1,460 feet south of Wagner Avenue/West boundary: Approximately at Pear Street.	None	+469	City of Havana.

\* 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

##### City of Havana

Maps are available for inspection at City Hall, 227 West Main Street, Havana, IL 62644.

##### Unincorporated Areas of Mason County

Maps are available for inspection at the Mason County Courthouse, County Zoning Office, 125 North Plum Street, Havana, IL 62644.

##### Village of Bath

Maps are available for inspection at the Village Hall, 205 East 1st Street, Bath, IL 62617.

#### Des Moines County, Iowa, and Incorporated Areas

Mississippi River .....	Approximately 6.6 miles downstream of Burlington Northern Railroad.	+531	+532	City of Burlington, Unincorporated Areas of Des Moines County.
	Approximately 13.7 miles upstream of Lock and Dam No. 18.	+542	+543	
Spring Creek .....	Approximately 0.6 mile downstream of Summer Street	None	+533	Unincorporated Areas of Des Moines County.
Unnamed Tributary (Backwater from Long Creek).	Approximately 0.5 mile downstream of Summer Street	None	+534	Town of Danville.
	Approximately 1,100 feet upstream of the confluence with Long Creek.	None	+700	
	Approximately 1,400 feet upstream of the confluence with Long Creek.	None	+700	

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		Effective	Modified	

**ADDRESSES****City of Burlington**

Maps are available for inspection at City Hall, 400 Washington Street, Burlington, IA 52601.

**Unincorporated Areas of Des Moines County**

Maps are available for inspection at 200 North Front Street, Suite 400, Burlington, IA 52601.

**Town of Danville**

Maps are available for inspection at City Hall, 105 West Shepherd Street, Danville, IA 52623.

**Dubuque County, Iowa, and Incorporated Areas**

Mississippi River .....	Approximately 11.1 miles downstream of the confluence with Catfish Creek.	+605	+606	City of Dubuque, Unincorporated Areas of Dubuque County.
	Approximately 17.5 miles upstream of Lock and Dam 11.	+615	+616	

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+ North American Vertical Datum.

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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****City of Dubuque**

Maps are available for inspection at City Hall, 50 West 13th Street, Dubuque, IA 52001.

**Unincorporated Areas of Dubuque County**

Maps are available for inspection at 720 Central Avenue, Dubuque, IA 52001.

**Louisa County, Iowa, and Unincorporated Areas**

Mississippi River .....	Approximately 8.3 miles downstream of the confluence with the Iowa River.	+543	+544	Unincorporated Areas of Louisa County.
	Approximately 1.4 miles upstream of the confluence with Michaels Creek.	+553	+552	

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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 Louisa County**

Maps are available for inspection at the Louisa County Courthouse, 117 South Main Street, Wapello, IA 52653.

**Nelson County, Kentucky, and Incorporated Areas**

Beech Fork Tributary 27 (Backwater effects from Beech Fork).	From the confluence with Beech Fork to just downstream of Martha Layne Collins Bluegrass Parkway.	None	+480	Unincorporated Areas of Nelson County.
Beech Fork Tributary 29 (Backwater effects from Beech Fork).	From the confluence with Beech Fork to approximately 0.8 mile upstream of the confluence with Beech Fork.	None	+478	Unincorporated Areas of Nelson County.
Buffalo Creek (Backwater effects from Beech Fork).	From the confluence with Beech Fork to just downstream of Boston Road.	None	+482	Unincorporated Areas of Nelson County.
Cedar Creek (Backwater effects from Beech Fork).	From the confluence with Beech Fork to approximately 1,710 feet upstream of the confluence with Cedar Creek Tributary 12.	None	+475	Unincorporated Areas of Nelson 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	
David Run (Backwater effects from Rolling Fork).	From the confluence with Rolling Fork to approximately 0.7 mile upstream of the confluence with Rolling Fork.	None	+467	Unincorporated Areas of Nelson County.
Price Creek (Backwater effects from Rolling Fork).	From the confluence with Rolling Fork to approximately 0.6 mile upstream of the confluence with Price Creek Tributary 7.	None	+465	Unincorporated Areas of Nelson County.
Price Creek Tributary 7 (Backwater effects from Rolling Fork).	From the confluence with Price Creek to approximately 0.5 mile upstream of the confluence with Price Creek.	None	+465	Unincorporated Areas of Nelson County.
Rowan Creek (Backwater effects from Beech Fork).	From the confluence with Beech Fork to approximately 1,140 feet upstream of the confluence with Town Creek.	+487	+486	City of Bardstown, Unincorporated Areas of Nelson County.
Taylorsville Lake .....	Entire shoreline of Taylorsville Lake .....	None	+592	Unincorporated Areas of Nelson County.
Timber Creek (Backwater effects from Taylorsville Lake).	From the confluence with Taylorsville Lake to approximately 0.7 mile downstream of Highview Church Road.	None	+592	Unincorporated Areas of Nelson County.
Town Creek (Backwater effects from Beech Fork).	From the confluence with Rowan Creek to approximately 585 feet upstream of the confluence with Rowan Creek.	+487	+486	City of Bardstown, Unincorporated Areas of Nelson County.
Vittow Creek (Backwater effects from Rolling Fork).	From the confluence with Rolling Fork to approximately 0.6 mile upstream of the confluence with Rolling Fork.	None	+463	Unincorporated Areas of Nelson County.

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#### ADDRESSES

##### City of Bardstown

Maps are available for inspection at City Hall, 220 North 5th Street, Morgantown, KY 42261.

##### Unincorporated Areas of Nelson County

Maps are available for inspection at the Nelson County Courthouse, 113 East Stephen Foster Avenue, Morgantown, KY 42261.

#### Taylor County, Kentucky, and Incorporated Areas

Brushy Fork (Backwater effects from Green River Lake).	From the confluence with Long Branch to approximately 0.4 mile upstream of the confluence with Long Branch.	None	+713	Unincorporated Areas of Taylor County.
Green River Lake .....	Entire shoreline .....	None	+713	Unincorporated Areas of Taylor County.
Green River Tributary 24.2 (Backwater effects from Green River Lake).	From the confluence with Green River Lake to approximately 1,300 feet upstream of the confluence with Green River Lake.	None	+713	Unincorporated Areas of Taylor County.
Long Branch (Backwater effects from Green River Lake).	From the confluence with Green River Lake to approximately 1,022 feet upstream of the confluence with Brushy Fork.	None	+713	Unincorporated Areas of Taylor County.
Opossum Branch (Backwater effects from Green River Lake).	From the confluence with Robinson Creek to approximately 1,716 feet upstream of the confluence with Robinson Creek.	None	+713	Unincorporated Areas of Taylor County.
Robinson Creek (Backwater effects from Green River Lake).	From the confluence with Green River Lake to approximately 730 feet downstream of the confluence with Duton Creek.	None	+713	Unincorporated Areas of Taylor County.
Robinson Creek Tributary 1 (Backwater effects from Green River Lake).	From the confluence with Green River Lake to approximately 0.6 mile upstream of the confluence with Green River Lake.	None	+713	Unincorporated Areas of Taylor County.
Robinson Creek Tributary 10 (Backwater effects from Robinson Creek).	From the confluence with Robinson Creek to approximately 88 feet upstream of Bradfordsville Road.	None	+741	Unincorporated Areas of Taylor 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	
Robinson Creek Tributary 12 (Backwater effects from Robinson Creek).	From the confluence with Robinson Creek to approximately 1,166 feet upstream of the confluence with Robinson Creek.	None	+732	Unincorporated Areas of Taylor County.
Robinson Creek Tributary 7 (Backwater effects from Robinson Creek).	From the confluence with Robinson Creek to approximately 1,855 feet upstream of the confluence with Robinson Creek.	None	+750	Unincorporated Areas of Taylor County.
Robinson Creek Tributary 8 (Backwater effects from Robinson Creek).	From the confluence with Robinson Creek to approximately 1,041 feet upstream of the confluence with Robinson Creek.	None	+744	Unincorporated Areas of Taylor County.
Robinson Creek Tributary 9 (Backwater effects from Robinson Creek).	From the confluence with Robinson Creek to approximately 55 feet upstream of Bradfordsville Road.	None	+743	Unincorporated Areas of Taylor County.
Sprat Branch (Backwater effects from Green River Lake).	From the confluence with Green River Lake to approximately 0.7 mile upstream of Elkhorn Road.	None	+713	Unincorporated Areas of Taylor County.
Stone Quarry Creek (Backwater effects from Green River Lake).	From the confluence with Green River Lake to approximately 1,010 feet upstream of the confluence with Stone Quarry Creek Tributary 5.	None	+713	Unincorporated Areas of Taylor County.
Stone Quarry Creek Tributary 5 (Backwater effects from Green River Lake).	From the confluence with Stone Quarry Creek to approximately 845 feet upstream of the confluence with Stone Quarry Creek.	None	+713	Unincorporated Areas of Taylor County.
Stoner Creek (Backwater effects from Green River Lake).	From the confluence with Robinson Creek to approximately 1.2 miles upstream of the confluence with Robinson Creek.	None	+713	Unincorporated Areas of Taylor County.
Tallow Creek Tributary 4 (Backwater effects from Tallow Creek).	From the confluence with Tallow Creek to approximately 920 feet upstream of Bradfordsville Road.	None	+831	Unincorporated Areas of Taylor County.
Wilson Creek (Backwater effects from Green River Lake).	From the confluence with Green River Lake to approximately 1,630 feet upstream of the confluence with Wilson Creek Tributary 14.	None	+713	Unincorporated Areas of Taylor County.
Wilson Creek Tributary 14 (Backwater effects from Green River Lake).	From the confluence with Wilson Creek to approximately 670 feet upstream of the confluence with Wilson Creek.	None	+713	Unincorporated Areas of Taylor 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 Taylor County

Maps are available for inspection at the Taylor County Judicial Center, 300 East Main Street, Campbellsville, KY 42718.

##### Clay County, Mississippi, and Incorporated Areas

Tombigbee River .....	Approximately 1.7 mile upstream of the confluence with Tibbee Creek.	+176	+177	Unincorporated Areas of Clay County.
	Approximately 4.2 miles upstream of the confluence with Town Creek East.	+187	+188	

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+ North American Vertical Datum.

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

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	

**ADDRESSES****Unincorporated Areas of Clay County**

Maps are available for inspection at the Clay County Courthouse, 205 Court Street, West Point, MS 39773.

**Grenada County, Mississippi, and Incorporated Areas**

Grenada Lake .....	Entire shoreline within Grenada County .....	None	+237	City of Grenada, Unincorporated Areas of Grenada County.
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\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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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****City of Grenada**

Maps are available for inspection at City Hall, 108 South Main Street, Grenada, MS 38901.

**Unincorporated Areas of Grenada County**

Maps are available for inspection at the Grenada County Courthouse, 59 Green Street, Room 1, Grenada, MS 38901.

**Lawrence County, Mississippi, and Incorporated Areas**

Runnels Creek .....	Approximately 0.5 mile downstream of Robinwood Road.	+192	+193	Town of Monticello, Unincorporated Areas of Lawrence County.
	Approximately 100 feet downstream of Robinwood Road.	+192	+193	

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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 Monticello**

Maps are available for inspection at 202 Jefferson Street South, Monticello, MS 39654.

**Unincorporated Areas of Lawrence County**

Maps are available for inspection at 435 Brinson Street, Monticello, MS 39564.

**Dade County, Missouri, and Incorporated Areas**

Stockton Lake .....	Entire shoreline .....	None	+887	Unincorporated Areas of Dade County.
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\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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\*\* 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.

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	

**ADDRESSES****Unincorporated Areas of Dade County**

Maps are available for inspection at 300 West Water Street, Greenfield, MO 65661.

**St. Francois County, Missouri, and Incorporated Areas**

Flat River .....	Approximately 375 feet downstream of the confluence with Walker Branch.	None	+683	City of Desloge, City of Park Hills, Unincorporated Areas of St. Francois County.
	At St. Joe Drive .....	None	+701	
	Approximately 875 feet downstream of East Elvins Boulevard.	None	+750	
	Approximately 3,000 feet upstream of State Highway 32.	None	+784	
Kennedy Branch .....	Approximately 425 feet downstream of County Highway F.	None	+837	City of Farmington, Unincorporated Areas of St. Francois County.
Koen Creek .....	Approximately 1,400 feet upstream of Middle Street ...	+894	+893	City of Desloge, City of Park Hills, Unincorporated Areas of St. Francois County.
	Approximately 100 feet upstream of the City of Park Hills and City of Desloge corporate limits.	None	+695	
Koen Creek Tributary .....	Approximately 2,350 feet upstream of Hurryville Road	None	+846	City of Park Hills, Unincorporated Areas of St. Francois County.
	Approximately 325 feet upstream of the confluence with Koen Creek.	None	+718	
Shaw Creek .....	Approximately 100 feet upstream of 5th Street .....	None	+792	City of Park Hills, Unincorporated Areas of St. Francois County.
	Approximately 700 feet upstream of the confluence with Flat Creek.	None	+732	
St. Francois River .....	Approximately 2,000 feet upstream of City of Park Hills corporate limits.	None	+767	City of Farmington, Unincorporated Areas of St. Francois County.
	Approximately 150 feet upstream of the City of Farmington corporate limits.	None	+844	
St. Francois Tributary .....	Approximately 50 feet upstream of County Highway W.	None	+859	City of Farmington, Unincorporated Areas of St. Francois County.
	Approximately 750 feet upstream of the confluence with the St. Francois River.	None	+846	
	Approximately 75 feet upstream of County Highway W.	+878	+881	
	Approximately 925 feet downstream of Liberty Street	None	+896	
Walker Branch .....	Approximately 200 feet upstream of the City of Farmington corporate limits.	None	+910	Unincorporated Areas of St. Francois County.
	Approximately 600 feet upstream of the confluence with the Flat River.	None	+685	
	Approximately 7,000 feet upstream of Halter Road .....	None	+783	

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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****City of Desloge**

Maps are available for inspection at 300 North Lincoln, Desloge, MO 63601.

**City of Farmington**

Maps are available for inspection at 110 West Columbia Street, Farmington, MO 63640.

**City of Park Hills**

Maps are available for inspection at 9 Bennet Street, Park Hills, MO 63601.

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	

**Unincorporated Areas of St. Francois County**

Maps are available for inspection at 1 West Liberty Street, 2nd Floor, Farmington, MO 63640.

**Wayne County, Missouri, and Incorporated Areas**

Clearwater Lake .....	Entire shoreline in Wayne County .....	None	+572	Unincorporated Areas of Wayne County.
Lake Wappapello .....	Entire shoreline in Wayne County .....	None	+403	Unincorporated Areas of Wayne County.

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+ North American Vertical Datum.

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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 Wayne County**

Maps are available for inspection at 109 Walnut Street, Greenville, MO 63944.

**Greenwood County, South Carolina, and Incorporated Areas**

Lake Greenwood .....	Entire shoreline within Greenwood County .....	None	+442	Unincorporated Areas of Greenwood County.
Ninety-Six Creek .....	Approximately 1.0 mile downstream of U.S. Route 702.	None	+399	Unincorporated Areas of Greenwood County.
Rocky Creek Tributary .....	Approximately 1,655 feet upstream of U.S. Route 702	None	+403	City of Greenwood.
	Approximately 516 feet downstream of Bypass 72 .....	None	+575	
	Approximately 2,177 feet upstream of Bypass 72 .....	None	+590	
Saluda River .....	Approximately 3.9 miles downstream of U.S. Route 25.	None	+448	Town of Ware Shoals, Unincorporated Areas of Greenwood County.
Sample Branch .....	Approximately 200 feet upstream of Saluda Avenue ..	None	+531	Unincorporated Areas of Greenwood County, City of Greenwood.
	Approximately 1,206 feet upstream of the confluence with Rocky Creek.	None	+527	
	Approximately 130 feet upstream of Dry Branch Court	None	+563	

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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****City of Greenwood**

Maps are available for inspection at City Hall, 520 Monument Street, Greenwood, SC 29648.

**Town of Ware Shoals**

Maps are available for inspection at the Town Hall, 8 Mill Street, Ware Shoals, SC 29692.

**Unincorporated Areas of Greenwood County**

Maps are available for inspection at the Greenwood County Courthouse, 600 Monument Street, Greenwood, SC 29646.

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

Dated: April 15, 2010.

**Sandra K. Knight,**

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

[FR Doc. 2010-10342 Filed 5-3-10; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R8-ES-2010-0031]

[MO 92210-0-0008-B2]

#### **Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List Hermes Copper Butterfly as Threatened or Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of petition finding and initiation of status review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list Hermes copper butterfly (*Hermelycaena* [*Lycaena*] *hermes*) as a threatened or endangered species under the Endangered Species Act of 1973, as amended (Act) and to designate critical habitat. We find the petition presents substantial scientific or commercial information indicating that listing the Hermes copper butterfly may be warranted. Therefore, with the publication of this notice, we are initiating a status review to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial data and other information regarding this species. Based on the status review, we will issue a 12-month finding on the petition, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

**DATES:** To allow us adequate time to conduct this review, we request that we receive information on or before July 6, 2010. Please note that if you are using the *Federal eRulemaking Portal* (see **ADDRESSES** section, below), the deadline for submitting an electronic comment is 11:59 p.m. Eastern Time on this date. After July 6, 2010, you must submit information directly to the Field Office (see **FOR FURTHER INFORMATION CONTACT** section below). Please note that we might not be able to address or

incorporate information that we receive after the above requested date.

**ADDRESSES:** You may submit comments by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Search for docket FWS-R8-ES-2010-0031 and then follow the instructions for submitting comments.

- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R8-ES-2010-0031; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Request for Information section below for more details).

**FOR FURTHER INFORMATION CONTACT:** Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 6010 Hidden Valley Road, Suite 101, Carlsbad, CA 92011, by telephone at 760-431-9440, or by facsimile to 760-431-9624. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Information**

When we make a finding that a petition presents substantial information indicating that listing a species may be warranted, we are required to promptly review the status of the species (status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on the Hermes copper butterfly from governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. We seek information on:

- (1) The species' biology, range, and population trends, including:
  - (a) Habitat requirements for feeding, breeding, and sheltering;
  - (b) Genetics and taxonomy;
  - (c) Historical and current range, including distribution patterns;
  - (d) Historical and current population levels, and current and projected trends; and
  - (e) Past and ongoing conservation measures for the species and its habitat in the United States and Mexico.
- (2) The factors that are the basis for making a listing determination for a species under section 4(a) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), which are:

- (a) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (b) Overutilization for commercial, recreational, scientific, or educational purposes;

- (c) Disease or predation;
- (d) The inadequacy of existing regulatory mechanisms; or
- (e) Other natural or manmade factors affecting its continued existence.

(3) Information on management programs for the conservation of Hermes copper butterfly.

(4) The potential effects of climate change on this species and its habitat, what regional climate change models are available, and whether they are reliable and credible to use as step-down models for assessing the effects of climate change on this species and its habitat.

(5) Additional information on the following locations in San Diego County, California, United States of America (U.S.A.) where the status of the species or level of the threat (such as fire), is unknown (petitioner location names used for the first time are in quotation marks if we added a location description):

- approximately 3 miles (mi) (5 kilometers (km)) south of the City of El Cajon ("El Cajon (3 miles South)");
- the neighborhood of Flinn Springs in the City of El Cajon ("Flinn Springs (El Cajon)");
- Fairmont Canyon in the City of San Diego ("Fairmont Canyon");
- the community of Kearny Mesa ("Kearny Mesa");
- City of San Diego urban core area;
- the Crosby property in the City of Rancho Santa Fe ("The Crosby");
- City of Spring Valley ("Spring Valley");
- community of Harmony Grove in the City of Escondido ("Harmony Grove");
- Steel Canyon near the community of Jamul ("Steel Canyon");
- Mission Valley in the City of San Diego ("Mission Valley");
- City of Poway near the intersection of Poway Road and State Route 395 ("Poway Road/Highway 395");
- community of Dulzura ("Dulzura");
- Deerhorn Valley near the community of Jamul ("Deerhorn Valley");
- area near Mt. Miguel; the community of Pine Valley ("Pine Valley");
- Big Rock Road in the city of Santee ("Santee's Big Rock Road");
- community of Alpine ("Alpine");
- community of Miramar ("Miramar");
- Sycamore Canyon and Gooden Ranch in the City of Santee ("Sycamore Canyon and Gooden Ranch");
- Otay Mountain foothills ("Otay-Foothill area");