

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

Dated: May 3, 2012.

**Sandra K. Knight,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2012-12290 Filed 5-21-12; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2012-0003]

#### Final Flood Elevation Determinations

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

**ADDRESSES:** The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*National Environmental Policy Act.* This final 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.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

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

*Executive Order 12988, Civil Justice Reform.* This final 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 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.

#### § 67.11 [Amended]

- 2. The tables published under the authority of § 67.11 are 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) Modified	Communities affected
<b>Fremont County, Colorado, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1194</b>			
Abbey Drainageway .....	Approximately 0.48 mile upstream of the Arkansas River confluence.	+5,274	City of Canon City, Unincorporated Areas of Fremont County.
Fourmile Creek .....	Approximately 1,400 feet upstream of Central Avenue .....	+5,396	City of Canon City, Unincorporated Areas of Fremont County.
	Approximately 1,280 feet upstream of the Arkansas River confluence.	+5,257	
Mudd Gulch .....	Approximately 1.39 miles upstream of U.S. Route 50 .....	+5,361	City of Canon City, Unincorporated Areas of Fremont County.
	Approximately 1,200 feet upstream of the Arkansas River confluence.	+5,239	
	Approximately 0.64 mile upstream of Fourmile Parkway ...	+5,514	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Mudd Gulch Split Flow .....	At the upstream side of the railroad .....	+5,235	Unincorporated Areas of Fremont County.
	Approximately 0.67 mile upstream of the Arkansas River confluence.	+5,250	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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

#### ADDRESSES

##### City of Canon City

Maps are available for inspection at City Hall, 128 Main Street, Canon City, CO 81212.

##### Unincorporated Areas of Fremont County

Maps are available for inspection at the Fremont County Courthouse, 615 Macon Avenue, Canon City, CO 81212.

#### Troup County, Georgia, and Incorporated Areas Docket No.: FEMA-B-1072

Shoal Creek .....	Approximately 2,800 feet downstream of Hammett Road ..	+650	City of LaGrange.
	Approximately 1,500 feet upstream of Hammett Road .....	+669	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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

#### ADDRESSES

##### City of LaGrange

Maps are available for inspection at City Hall, 200 Ridley Avenue, LaGrange, GA 30240.

#### Essex County, Massachusetts (All Jurisdictions) Docket Nos.: FEMA-B-1061 and B-1139

Atlantic Ocean .....	Along the shoreline, approximately 350 feet east of the end of 55th Street.	+18	City of Newburyport.
	Along the shoreline, approximately 575 feet north of the intersection of Northern Boulevard and 82nd Street.	+22	
Atlantic Ocean .....	Along the shoreline, approximately 850 feet east of the intersection of Page Road and Phillips Street.	+16	City of Gloucester, Town of Ipswich, Town of Manchester-by-the-Sea, Town of Marblehead, Town of Nahant, Town of Newbury, Town of Rowley, Town of Swampscott.
	Along the shoreline, approximately 3,000 feet south of the intersection of Lynnway and Nahant Road.	+17	
Atlantic Ocean .....	Along the shoreline, approximately 150 feet south of State Beach Road.	+12	Town of Salisbury.
	Along the shoreline, approximately 60 feet east of the intersection of Liberty Street and North End Boulevard.	+20	
Argilla Brook (backwater effects from Merrimack River).	At the confluence with Johnson Creek .....	+21	Town of Groveland.
	Approximately 530 feet upstream of Main Street .....	+21	
Backwater Effects from Harris Brook.	From I-93 to 300 feet west of I-93, and from Hampshire Road to 300 feet north of Hampshire Road at the corporate limits.	+111	City of Methuen.
Bartlett Brook .....	At the confluence with the Merrimack River .....	+53	City of Methuen.
	Approximately 700 feet upstream of State Route 113 .....	+53	
Boston Brook .....	Approximately 2,000 feet downstream of Sharpners Pond Road.	+82	Town of Middleton.
	Approximately 180 feet downstream of Sharpners Pond Road.	+84	
Castle Neck River (backwater effects from Atlantic Ocean).	Approximately 1.6 miles upstream of the confluence with Ipswich Bay, at the confluence with Hog Island Channel.	+9	Town of Ipswich.
Ipswich River .....	Approximately 150 feet northeast of the Eastern end of Sargent Street.	+38	City of Beverly.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
	Approximately 1,000 feet north of the intersection of Dodge Street and Norwoods Pond Road.	+38	
Ipswich River .....	Approximately 800 feet downstream of I-95 .....	+41	Town of Middleton.
	Approximately 1,250 feet upstream of I-95 .....	+41	
Jackman Brook (backwater effects from Parker River).	Just upstream of Parish Road .....	+18	Town of Georgetown.
	Approximately 50 feet upstream of Parish Road .....	+18	
Johnson Creek (backwater effects from Merrimack River).	At the confluence with the Merrimack River .....	+21	Town of Groveland.
	Approximately 900 feet upstream of Main Street .....	+21	
Long Causeway Brook .....	Approximately 800 feet north of the intersection of State Route 1A and North Edge Road.	+21	Town of Ipswich.
	Approximately 4,500 feet southwest of the intersection of State Route 1A and North Edge Road.	+21	
Merrimack River .....	Approximately 100 feet upstream of Groveland Street .....	+20	Town of Groveland.
	Approximately 0.67 mile upstream of Groveland Street .....	+21	
Merrimack River .....	Immediately upstream of I-93 .....	+52	City of Methuen.
	Approximately 1.42 mile upstream of the confluence with Fish Brook.	+56	
Nichols Brook (backwater effects from Ipswich River).	At the confluence with the Ipswich River .....	+41	Town of Middleton, Town of Topsfield.
Shawsheen River .....	Approximately 900 feet east of the intersection of I-495 and State Route 28.	+36	City of Lawrence, Town of Andover, Town of North Andover.
	Approximately 2,500 feet southwest of Burt Road and Biotechnology Drive.	+77	
World End Pond .....	Approximately 2,500 feet upstream of the confluence with the Ipswich River.	+41	City of Methuen.
	From approximately 1,000 feet north of the intersection of Hayes Street and Pond Street to 2,800 feet north of Hayes Street and Pond Street, and from the end of Argilla Road to 1,300 feet west of Argilla Road at the corporate limits.	+116	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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

#### ADDRESSES

##### City of Beverly

Maps are available for inspection at City Hall, 191 Cabot Street, Beverly, MA 01915.

##### City of Gloucester

Maps are available for inspection at City Hall, 9 Dale Avenue, Gloucester, MA 01930.

##### City of Lawrence

Maps are available for inspection at City Hall, 200 Common Street, Lawrence, MA 01840.

##### City of Methuen

Maps are available for inspection at the Searles Building, 41 Pleasant Street, Methuen, MA 01844.

##### City of Newburyport

Maps are available for inspection at City Hall, 60 Pleasant Street, Newburyport, MA 01950.

##### Town of Andover

Maps are available for inspection at the Town Offices, 36 Bartlet Street, Andover, MA 01810.

##### Town of Georgetown

Maps are available for inspection at the Town Hall, 1 Library Street, Georgetown, MA 01833.

##### Town of Groveland

Maps are available for inspection at the Town Hall, 183 Main Street, Groveland, MA 01834.

##### Town of Ipswich

Maps are available for inspection at the Town Hall, 25 Green Street, Ipswich, MA 01938.

##### Town of Manchester-by-the-Sea

Maps are available for inspection at the Town Hall, 10 Central Street, Manchester-by-the-Sea, MA 01944.

##### Town of Marblehead

Maps are available for inspection at Abbot Hall, 188 Washington Street, Marblehead, MA 01945.

##### Town of Middleton

Maps are available for inspection at Memorial Hall, 48 South Main Street, Middleton, MA 01949.

##### Town of Nahant

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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Maps are available for inspection at the Town Hall, 334 Nahant Road, Nahant, MA 01908.

**Town of Newbury**

Maps are available for inspection at the Municipal Offices, 25 High Road, Newbury, MA 01951.

**Town of North Andover**

Maps are available for inspection at the Town Hall, 120 Main Street, North Andover, MA 01845.

**Town of Rowley**

Maps are available for inspection at the Town Hall, 139 Main Street, Rowley, MA 01969.

**Town of Salisbury**

Maps are available for inspection at the Town Hall, 5 Beach Road, Salisbury, MA 01952.

**Town of Swampscott**

Maps are available for inspection at the Town Hall, 22 Monument Avenue, Swampscott, MA 01907.

**Town of Topsfield**

Maps are available for inspection at the Town Hall, 8 West Common Street, Topsfield, MA 01983.

**Benton County, Tennessee, and Incorporated Areas  
Docket No.: FEMA-B-1202**

Big Sandy River Drainage Canal.	Approximately 1.7 miles upstream of State Route 69A .....	+375	Unincorporated Areas of Benton County.
Burnside Creek .....	Approximately 0.5 mile upstream of U.S. Route 641 .....	+375	City of Camden, Unincorporated Areas of Benton County.
	Approximately 150 feet downstream of Eva Road .....	+376	
Cane Creek .....	Approximately 0.4 mile upstream of Flatwoods Road .....	+441	City of Camden, Unincorporated Areas of Benton County.
	At the Cypress Creek confluence .....	+376	
Charlie Creek .....	Approximately 0.6 mile upstream of Post Oak Road .....	+435	City of Camden, Unincorporated Areas of Benton County.
	At the Cane Creek confluence .....	+377	
Cypress Creek .....	Approximately 1,000 feet upstream of State Route 69A ....	+448	City of Camden, Unincorporated Areas of Benton County.
	At the Cane Creek confluence .....	+376	
	Approximately 0.5 mile upstream of Old State Route 69 ...	+409	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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

**ADDRESSES**

**City of Camden**

Maps are available for inspection at City Hall, 110 U.S. Route 641 South, Camden, TN 38320.

**Unincorporated Areas of Benton County**

Maps are available for inspection at the Benton County Courthouse, 1 East Court Square, Room 104, Camden, TN 38320.

**Kaufman County, Texas, and Incorporated Areas  
Docket No.: FEMA-B-1144**

Brooklyn Branch .....	At the confluence with Mustang Creek .....	+457	City of Forney.
Buffalo Creek .....	Approximately 1,382 feet upstream of Ridgecrest Road ....	+471	City of Forney, Unincorporated Areas of Kaufman County.
	Just upstream of Union Pacific Railroad .....	+389	
Cedar Creek .....	Just upstream of FM 740 .....	+403	City of Mabank, Unincorporated Areas of Kaufman County.
	Approximately 2.9 miles downstream of U.S. Route 175 ...	+342	
Duck Creek .....	Approximately 1 mile downstream of State Highway 274 ..	+342	Unincorporated Areas of Kaufman County.
	Approximately 925 feet downstream of Country Road 337	+458	
	Approximately 1,755 feet upstream of FM 2728 .....	+485	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
East Fork Trinity River .....	Just upstream of Union Pacific Railroad .....	+389	City of Dallas, City of Heath, Unincorporated Areas of Kaufman County.
	Approximately 0.85 mile upstream of the Rockwell-Forney Dam.	+398	
Mustang Creek .....	Approximately 0.51 mile upstream of Shady Brook Lane ..	+413	City of Forney, Unincorporated Areas of Kaufman County.
	Approximately 0.51 mile upstream of Ridgecrest Road .....	+480	
Unnamed Tributary to Kings Creek.	Approximately 1,600 feet upstream of the confluence with Kings Creek (Upper Reach).	+486	City of Terrell, Unincorporated Areas of Kaufman County.
	Approximately 0.91 mile upstream of the confluence with Kings Creek (Upper Reach).	+506	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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

#### ADDRESSES

##### City of Dallas

Maps are available for inspection at 320 East Jefferson Boulevard, Room 307, Dallas, TX 75203.

##### City of Forney

Maps are available for inspection at City Hall, 101 West Main Street, Forney, TX 75126.

##### City of Heath

Maps are available for inspection at City Hall, 200 Laurence Drive, Heath, TX 75032.

##### City of Mabank

Maps are available for inspection at City Hall, 129 East Market Street, Mabank, TX 75147.

##### City of Terrell

Maps are available for inspection at City Hall, 201 East Nash Street, Terrell, TX 75160.

##### Unincorporated Areas of Kaufman County

Maps are available for inspection at the Kaufman County Courthouse, 100 West Mulberry Street, Kaufman, TX 75142.

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

Dated: May 3, 2012.

**Sandra K. Knight,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 120213130-2435-02]

**RIN 0648-XA973**

##### Fisheries of the Northeastern United States; Final 2012 Spiny Dogfish Fishery Specifications

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** This rule implements a catch limit, commercial quota, and possession limit for the spiny dogfish fishery for the 2012 fishing year. The action was developed by the Mid-Atlantic and New England Fishery Management Councils pursuant to the fishery specification requirements of the Spiny Dogfish Fishery Management Plan. The final management measures are supported by the best available scientific information and reflect recent increases in spiny dogfish biomass. The action is expected to result in positive economic impacts for the spiny dogfish fishery while maintaining the conservation objectives of the Spiny Dogfish Fishery Management Plan.

**DATES:** This rule is effective June 21, 2012, through April 30, 2013.

**ADDRESSES:** An environmental assessment (EA) was prepared that describes the action and other

considered alternatives and provides a thorough analysis of the impacts of the proposed measures and alternatives. Copies of the EA and the Initial Regulatory Flexibility Analysis (IRFA), are available on request from Dr. Christopher M. Moore, Executive Director, Mid Atlantic Fishery Management Council, Suite 201, 800 N. State St., Dover, DE 19901. The EA/IRFA is also accessible via the Internet at <http://www.nero.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Tobey Curtis, Fishery Policy Analyst, (978) 281-9273; fax: (978) 281-9135.

##### SUPPLEMENTARY INFORMATION:

##### Background

Spiny dogfish (*Squalus acanthias*) were declared overfished by NMFS in 1998. Consequently, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) required NMFS to implement measures to end overfishing and rebuild the spiny dogfish stock. The Mid-Atlantic Fishery Management Council