

§ 65.17 Review of determinations.

This section describes the procedures that shall be followed and the types of information required by FEMA to review a determination of whether a building or mobile home is located within an identified Special Flood Hazard Area (SFHA).

(a) *General Conditions.* The borrower and lender of a loan secured by improved real estate or a mobile home may jointly request that FEMA review a determination that the building or mobile home is located in an identified SFHA. Such a request must be submitted within 45 days of the lender's notification to the borrower that the building or mobile home is in the SFHA and that flood insurance is required. Such a request must be submitted jointly by the lender and the borrower and shall include the required fee and technical information related to the building or mobile home.

(b) *Data and Other Requirements.* Items required for FEMA's review of a determination shall include the following:

- (1) Payment of the required fee by credit card, check, or money order, payable in U.S. funds, to the National Flood Insurance Fund;
- (2) A request for FEMA's review of the determination, signed by both the borrower and the lender;
- (3) A copy of the lender's notification to the borrower that the building or mobile home is in an SFHA and that flood insurance is required (the request for review of the determination must be postmarked within 45 days of borrower notification);
- (4) A completed Standard Hazard Determination Form for the building or mobile home, together with a legible copy of all technical data used in making the determination; and
- (5) A copy of the effective Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) panel for the community in which the building or mobile home is located, with the building or mobile home location indicated. Portions of the map panel may be submitted but shall include the area of the building or mobile home in question together with the map panel title block, including effective date, bar scale, and north arrow.

(c) *Review and Response by FEMA.* Within 45 days after receipt of a request to review a determination, FEMA will notify the applicants in writing of one of the following:

- (1) Request submitted more than 45 days after borrower notification; no review will be performed and all materials are being returned;

(2) Insufficient information was received to review the determination; therefore, the determination is upheld until a complete submittal is received; or

(3) The results of FEMA's review of the determination, which shall include the following:

(i) The name of the NFIP community in which the building or mobile home is located;

(ii) The property address or other identification of the property and building or mobile home to which the determination applies;

(iii) The NFIP map panel number and effective date upon which the determination is based;

(iv) A statement indicating whether the building or mobile home is within the Special Flood Hazard Area;

(v) The time frame during which the determination is effective (generally until the next map revision occurs for the map panel involved).

Dated: June 9, 1995.

Harvey G. Ryland,
Deputy Director.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AD 22

Endangered and Threatened Wildlife and Plants; Reopening of the Comment Period on Proposed Critical Habitat Determination for Woundfin, Virgin River Chub, and Virgin Spinedace

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of the comment period.

SUMMARY: The Fish and Wildlife Service (Service) provides notice that the comment period is reopened on the proposal to designate critical habitat for woundfin (*Plagopterus argentissimus*) and Virgin River chub (*Gila seminuda* = *G. robusta seminuda*), two species of fish federally listed as endangered pursuant to the Endangered Species Act (Act), and for Virgin spinedace (*Lepidomeda mollispinis mollispinis*), a species proposed for listing as threatened under the Act. All three species of fish are endemic to the Virgin River Basin of southwestern Utah, northwestern Arizona, and southeastern Nevada. Comments received during the

entire comment period, April 5 to June 20, 1995, will be considered before finalizing the designation of critical habitat.

DATES: The comment period, which originally closed on June 5, 1995, will now close on June 20, 1995. The comment period has been extended due to several requests from the public.

ADDRESSES: Written comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Salt Lake City Field Office, 145 East 1300 South, Suite 404, Lincoln Plaza, Salt Lake City, Utah 84115. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. Copies of comments and materials received also will be available for public inspection at the Washington County Public Library in St. George, Utah.

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Williams, Assistant Field Supervisor, at the above address, telephone (801) 524-5001.

SUPPLEMENTARY INFORMATION:

Background

The woundfin, Virgin River chub and Virgin spinedace are endemic to the Virgin River Basin. The Virgin River originates in south-central Utah, running in a southwest direction from Utah, to northwestern Arizona, and southeastern Nevada for approximately 320 kilometers (km) (200 miles (mi)) before emptying into Lake Mead. The Virgin River populations of these fishes have declined due to the cumulative effects of environmental impacts that resulted in habitat loss including: Dewatering from numerous diversions, proliferation of nonactive fishes, alterations to natural flow, temperature, and sediment regimes.

There is considerable overlap in critical habitat proposed for the three species, and the proposed designation includes 330.8 km (206.8 mi) of the Virgin River in portions of Utah, Arizona, and Nevada. The Service proposes 151.7 km (94.8 mi) of critical habitat for the woundfin (approximately 13.5 percent of its historical range); 151.7 km (94.8 mi) for the Virgin River chub (70.8 percent of its historical range, excluding the range historically occupied by the Muddy River form); and 201.9 km (126.2 mi) for the Virgin spinedace (87.3 percent of its historical range).

The proposed rule to designate critical habitat for the three fishes was published on April 5, 1995 (60 FR 17296). A public hearing was held on

May 8, 1995, in St. George, Utah. No further public hearings will be held.

Author

The primary authors of this notice are Susan C. Linner and Robert D. Williams of the Service's Salt Lake City Field Office (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 8, 1995.

Terry T. Terrell,

Deputy Regional Director, Region 6, Denver, Colorado, Fish and Wildlife Service.

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