

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas: Collin (FEMA Docket No. 7200).	City of Plano .....	Oct. 9, 1996; Oct. 16, 1996; <i>Plano Star Courier</i> .	The Honorable James N. Muns, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086-0358.	Sept. 12, 1996 .....	480140
Texas: Wichita (FEMA Docket No. 7200).	City of Wichita Falls ....	Oct. 3, 1996; Oct. 10, 1996; <i>Wichita Falls Times Record News</i> .	The Honorable Kay Yeager, Mayor, City of Wichita Falls, P.O. Box 1431, Wichita Falls, Texas 76307.	Sept. 24, 1996 .....	480662

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: February 24, 1997.

Richard W. Krimm,  
Executive Associate Director, Mitigation Directorate.

[FR Doc. 97-5271 Filed 3-3-97; 8:45 am]

BILLING CODE 6718-04-P

**44 CFR Part 67**

**Final Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations 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).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

**ADDRESSES:** The final base flood elevations 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:** Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified

base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the Federal Register.

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 base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Executive Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

**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 12612, Federalism**

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

**Executive Order 12778, Civil Justice Reform**

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

**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 to read 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:

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
<b>ARIZONA</b>	
<b>Graham County (Unincorporated Areas) (FEMA Docket No. 7198)</b>	
<i>Gila River:</i>	

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
At downstream limit of detailed study (approximately 4,300 feet downstream of Eighth Avenue) .....	*2,888	<i>New York Ranch Creek:</i> Approximately 150 feet downstream of Court Street .....	*1,215	Approximately 100 feet upstream of an unnamed road (approximately 8,200 feet upstream of El Camino Real) .....	*102
At upstream limit of detailed study .....	*2,938	Approximately 1,340 feet upstream of Rollingwood Drive .....	*1,341	<i>Calavera Creek:</i> At confluence with Agua Hedionda Creek (south side of floodwall) .....	*48
<b>Maps are available for inspection</b> at the Graham County Planning and Zoning Department, 800 Main Street, Safford, Arizona.		<i>Placer Drive:</i> At storm drain inlet approximately 1,520 feet upstream of confluence with New York Ranch Creek .....	*1,248	At confluence with Agua Hedionda Creek (north side of floodwall) .....	*39
<b>Safford (City), Graham County (FEMA Docket No. 7198)</b>		Approximately 2,000 feet upstream of confluence .....	*1,255	Just upstream of the floodwall	*61
<i>Gila River:</i> Approximately 100 feet upstream of First Avenue .....	*2,909	<b>Maps are available for inspection</b> at the City of Jackson City Hall, 33 Broadway, Jackson, California.		Approximately 700 feet upstream of confluence with Calavera Creek Splitflow .....	*74
At upstream corporate limits ...	*2,916	<b>Amador County (Unincorporated Areas) (FEMA Docket No. 7198)</b>		<i>Calavera Creek Splitflow:</i> Approximately 700 feet upstream of confluence with Calavera Creek .....	*73
<b>Maps are available for inspection</b> at the City of Safford Department of Public Works, 717 Main Street, Safford, Arizona.		<i>Sutter Creek:</i> Just upstream of Sutter Creek Road .....	*1,250	<b>Maps are available for inspection</b> at the City of Carlsbad Engineering Department, 2075 Las Palmas Drive, Carlsbad, California.	
<b>ARKANSAS</b>		Approximately 5 miles upstream of Sutter Creek Road .....	*1,452	<b>Chula Vista (City), San Diego County (FEMA Docket No. 7146)</b>	
<b>Franklin County and Incorporated Areas (FEMA Docket No. 7198)</b>		<i>North Fork Jackson Creek:</i> Approximately 850 feet upstream of Stark Lane .....	*1,278	<i>Poggi Canyon Creek:</i> Approximately 2,200 feet upstream of Oleander Avenue .....	*207
<i>Arkansas River:</i> At Franklin-Johnson County Line .....	*360	Approximately 50 feet upstream of Jackson Gate Road .....	*1,300	Approximately 2,500 feet upstream of Oleander Avenue .....	*212
At Franklin-Crawford County Line .....	*388	Approximately 940 feet upstream of Jackson Gate Road .....	*1,316	<i>Telegraph Canyon Creek:</i> 170 feet upstream of Telegraph Canyon Road .....	*344
<i>Mulberry River:</i> Approximately 2.2 miles downstream of State Highway 23 .....	*686	<i>Oneida Creek:</i> Approximately 1,340 feet upstream of confluence with North Fork Jackson Creek ..	*1,318	50 feet downstream of Otay Lakes Road .....	*451
Approximately 3.1 miles upstream of State Highway 23 .....	*741	<i>South Fork Jackson Creek:</i> Approximately 3,150 feet upstream of Broadway .....	*1,249	3,540 feet upstream of Otay Lakes Road .....	*499
<i>Fane Creek:</i> At confluence with Mulberry River .....	*723	<b>Maps are available for inspection</b> at the Amador County Department of Planning, Administrative Center, 500 Argonaut Lane, Jackson, California.		<b>Maps are available for inspection</b> at the City of Chula Vista City Hall, 276 Fourth Avenue, Chula Vista, California.	
Approximately 0.4 mile upstream of State Highway 23 .....	*758	<b>Carlsbad (City), San Diego County (FEMA Docket No. 7146)</b>		<i>Forester Creek:</i> Approximately 110 feet below Terra Lane .....	*541
<b>Maps are available for inspection</b> at the Franklin County Courthouse, 211 West Commercial, Ozark, Arkansas.		<i>Agua Hedionda Creek:</i> Approximately 1,400 feet downstream of El Camino Real Drive .....	*32	At Terra Lane .....	*542
<b>Maps are available for inspection</b> at the City of Ozark City Hall, 607 College Street, Ozark, Arkansas.		Approximately 1,400 feet downstream of El Camino Real (right levee removed) ..	*30	Approximately 65 feet upstream of Terra Lane at corporate limits .....	*542
<b>CALIFORNIA</b>		Approximately 1,400 feet downstream of El Camino Real (left bank flow) .....	*37	<b>Maps are available for inspection</b> at the City of El Cajon Department of Public Works, 200 East Main Street, El Cajon, California.	
<b>Jackson (City), Amador County (FEMA Docket No. 7198)</b>		Approximately 100 feet upstream of Rancho Carlsbad (upstream crossing) .....	*61	<b>Escondido (City), San Diego County (FEMA Docket No. 7146)</b>	
<i>North Fork Jackson Creek:</i> Approximately 200 feet upstream of Stark Lane .....	*1,269			<i>Maywood Wash:</i>	
Approximately 930 feet upstream of Jackson Gate Road .....	*1,316				
<i>Oneida Creek:</i> At confluence with North Fork Jackson Creek .....	*1,296				
Approximately 1,820 feet upstream of confluence .....	*1,334				

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50 feet east of intersection of La Honda Drive and Dippon Lane .....	# 1	<b>Maps are available for inspection</b> at the City of Mountain View Department of Public Works, 500 Castro Street, Mountain View, California.		Approximately 5,500 feet upstream of confluence with San Diequito River .....	*134
<i>Kit Carson Park Creek:</i> 1,200 feet downstream of Via Rancho Parkway (at Lake Hodges) .....	*326			<b>Maps are available for inspection</b> at the City of San Diego Engineering Department, 202 C Street, San Diego, California.	
<b>Maps are available for inspection</b> at the City of Escondido Public Works Department, 201 North Broadway, Escondido, California.		<b>Oceanside (City), San Diego County (FEMA Docket No. 7146)</b>		<b>San Diego (City), San Diego County (FEMA Docket No. 7146)</b>	
<i>Escondido (City), San Diego County (FEMA Docket No. 7146)</i>		<i>Pilgrim Creek:</i> Approximately 2,300 feet downstream of confluence with Windmill Canyon .....	*52	<i>Beeler Creek:</i> 1,200 feet downstream of Old Pomerado Road .....	*446
<i>Reidy Creek:</i> Approximately 19,000 feet upstream of confluence with Escondido Creek .....	*740	Approximately 1,600 feet upstream of confluence with Windmill Canyon .....	*56	500 feet downstream of Old Pomerado Road .....	*457
Just upstream of the North Broadway Avenue Bridge ....	*753	Approximately 3,600 feet upstream of confluence with Windmill Canyon .....	*57	Approximately 1.6 miles upstream of Pomerado Road ..	*604
Approximately 20,500 feet upstream of confluence with Escondido Creek .....	*754	<b>Maps are available for inspection</b> at the City of Oceanside Engineering Department, 300 North Hill Street, Oceanside, California.		Approximately 2.1 miles upstream of Pomerado Road ..	*636
Approximately 22,050 feet upstream of confluence with Escondido Creek .....	*767	<b>Orinda (City), Contra Costa County (FEMA Docket No. 7198)</b>		<i>Carroll Canyon Creek:</i> 950 feet upstream of Willow Creek Road .....	*523
Approximately 22,550 feet upstream of confluence with Escondido Creek .....	*770	<i>Orinda Village Overflow from San Pablo Creek:</i> Approximately 150 feet downstream of Orinda Way .....	*402	Approximately 2,500 feet downstream of Avenida Magnifica .....	*559
<b>Maps are available for inspection</b> at the City of Escondido Public Works Department, 201 North Broadway, Escondido, California.		Just upstream of Orinda Way .....	*412	<i>Rose Canyon Creek:</i> 450 feet downstream of Balboa Avenue .....	*13
<b>Mountain View (City), Santa Clara County (FEMA Docket No. 7188)</b>		Approximately 600 feet upstream of Camino Sobrante	*430	200 feet downstream of Mission Bay Drive .....	*17
<i>Permanente Creek:</i> Approximately 1,400 feet downstream of Shoreline Parkway .....	*8	<i>San Pablo Creek (Reach 1):</i> Approximately 500 feet upstream of Camino Sobrante	*432	1,350 feet upstream of Interstate Highway 805 .....	*261
Approximately 1,100 feet upstream of Shoreline Parkway .....	*9	Approximately 800 feet upstream of confluence with Overhill Creek .....	*479	1,800 feet upstream of Interstate Highway 805 .....	*265
At U.S. Route 101 (Bayshore Freeway) .....	*14	<i>San Pablo Creek (Reach 2):</i> Approximately 150 feet downstream of Brookside Road ...	*527	<i>Soledad Canyon:</i> Upstream side of North Torrey Pines Road .....	*11
<i>Permanente Creek-East Overbank:</i> Just downstream of Amphitheater Parkway .....	*8	Just upstream of Brookside Road .....	*538	2,000 feet upstream of North Torrey Pines Road .....	*12
Approximately 850 feet upstream of Amphitheater Parkway .....	*9	Just upstream of Greenwood Court .....	*731	<b>Maps are available for inspection</b> at the City of San Diego City Hall, 202 C Street, San Diego, California.	
<i>Permanente Creek-West Overbank:</i> Approximately 500 feet downstream of Amphitheater Parkway .....	*8	<i>Brookside Road Tributary:</i> At confluence with San Pablo Creek .....	*522	<b>San Diego County (Unincorporated Areas) (FEMA Docket No. 7146)</b>	
Approximately 850 feet upstream of Amphitheater Parkway .....	*9	Approximately 1,500 feet upstream of Brookside Road ...	*591	<i>Witch Creek:</i> Approximately 7,700 feet upstream of confluence with Santa Ysabel Creek .....	*2,487
		<b>Maps are available for inspection</b> at the City of Orinda Department of Planning, City Hall, 26 Orinda Way, Orinda, California.		Approximately 11,360 feet upstream of confluence with Santa Ysabel Creek .....	*2,566
		<b>San Diego (City), San Diego County (FEMA Docket No. 7146)</b>		Approximately 11,900 feet upstream of confluence with Santa Ysabel Creek .....	*2,723
		<i>Lusardi Creek:</i> Approximately 4,200 feet upstream of confluence with San Diequito River .....	*122	Approximately 18,100 feet upstream of confluence with Santa Ysabel Creek .....	*2,782
				<i>Rainbow Creek:</i> Approximately 100 feet downstream of Old Highway 395 At Fifth Street .....	*1,028
				At Huffstatler Street .....	*1,036
					*1,044

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At Rainbow Valley Boulevard Approximately 4,225 feet up- stream of Rainbow Valley Boulevard .....	*1,049	Approximately 120 feet down- stream of Buena Creek Road .....	*620	Approximately 110 feet down- stream of Terra Lane .....	*541
Rainbow Creek (West Branch): At confluence with Rainbow Creek .....	*1,073	At Sugar Bush Drive .....	*642	Approximately 1,000 feet up- stream of Greenfield Road ..	*628
At First Street .....	*1,044	At Hollyberry Drive .....	*662	At Flume Drive .....	*659
Approximately 1,900 feet up- stream of First Street .....	*1,058	Approximately 600 feet up- stream of Hollyberry Drive ...	*674	Approximately 0.25 mile up- stream of Forester Creek Road .....	*740
Steele Canyon Creek: Approximately 480 feet up- stream of confluence with Sweetwater River .....	*1,070	Moosa Creek (North Branch): At unnamed road 1,600 feet downstream of Valley Vista Road .....	*1,409	Approximately 3,110 feet up- stream of Forester Creek Road .....	*900
At Miller Ranch Road .....	*313	At Valley Vista Road .....	*1,462	Approximately 1 mile upstream of Forester Creek Road .....	*1,060
At Stony Oak Drive .....	*325	At Cool Water Ranch Road ...	*1,518	Approximately 7,530 feet up- stream of Forester Creek Road .....	*1,178
At Aurora Vista Road .....	*472	At Bates Nut Farm Road .....	*1,575	Approximately 2 miles up- stream of Forester Road ....	*1,280
At Vista Sage Lane .....	*530	At Indian Hill Ranch Road .....	*1,596	Tributary to Forester Creek (South Branch): Approximately 1,150 feet downstream of Fourth Street	*518
Approximately 2,300 feet up- stream of Vista Sage Lane ..	*754	At Lake Wohlford Road .....	*1,632	Approximately 1,350 feet up- stream of Fourth Street .....	*542
Eucalyptus Hills Creek (East Branch): Approximately 700 feet above confluence with San Diego River .....	*804	Just upstream of Canal Road	*1,658	Approximately 2,950 feet up- stream of Fourth Street .....	*562
At Riverside Drive .....	*374	Moosa Creek (South Branch): At confluence with Moosa Creek .....	*1,599	Tributary to Forester Creek: Approximately 2,250 feet downstream of Third Street	*490
At Lakeside Avenue .....	*380	Approximately 990 feet down- stream of Lake Wohlford Road .....	*1,613	Approximately 100 feet up- stream of Third Street .....	*506
Approximately 2,630 feet up- stream of Lakeside Avenue	*388	Approximately 10 feet up- stream of Lake Wohlford Road .....	*1,628	Approximately 30 feet down- stream of Fourth Street .....	*532
Eucalyptus Hills Creek (West Branch): Approximately 950 feet down- stream of Riverside Drive ....	*424	Gopher Canyon: Just downstream of Old River Road .....	*149	Approximately 2,330 feet up- stream of Fourth Street .....	*562
At Riverside Drive .....	*374	Approximately 2,400 feet up- stream of Old River Road ...	*174	Santa Ysabel Creek: Approximately 8,370 feet downstream of Route 79 .....	*2,810
Approximately 0.75 mile up- stream of Riverside Drive ....	*374	Approximately 4,700 feet up- stream of Old River Road ...	*208	Just upstream of Route 79 .....	*2,930
Approximately 1.25 miles up- stream of Riverside Drive ....	*423	At Gopher Canyon Road .....	*253	Approximately 2,930 feet up- stream of Route 79 .....	*2,993
Lusardi Creek: At confluence with the San Dieguito River .....	*519	Approximately 3,650 feet up- stream of Gopher Canyon Road .....	*320	Lawson Creek: Approximately 7,200 feet up- stream of confluence with the Sweetwater River .....	*1,572
Approximately 3,000 feet up- stream of confluence with the San Dieguito River .....	*57	At Robbie Lane .....	*400	At Sloane Canyon Road .....	*1,636
Approximately 5,500 feet up- stream of confluence with the San Dieguito River .....	*90	At Twin Oaks Valley Road .....	*453	Approximately 1,850 feet up- stream of Sloane Canyon Road .....	*1,662
Beaver Hollow Creek: Approximately 2,700 feet up- stream of confluence with the Sweetwater River .....	*134	Approximately 3,200 feet up- stream of Twin Oaks Valley Road .....	*521	Approximately 3,630 feet up- stream of Sloane Canyon Road .....	*1,752
Approximately 5,500 feet up- stream of confluence with the Sweetwater River .....	*1,076	Escondido Creek: Approximately 660 feet down- stream of North Lake Wohlford Road .....	*1,492	Approximately 5,050 feet up- stream of Sloane Canyon Road .....	*1,770
Approximately 9,900 feet up- stream of confluence with the Sweetwater River .....	*1,134	At Bear Valley Heights Road ..	*1,566	Approximately 1,970 feet downstream of Rudnick Road .....	*1,840
Approximately 14,530 feet up- stream of confluence with the Sweetwater River .....	*1,273	Approximately 1,800 feet up- stream of Bear Valley Heights Road .....	*1,581	Approximately 730 feet down- stream of Rudnick Road .....	*1,914
Tributary to Sweetwater River: Approximately 600 feet down- stream of Easement Road ..	*1,447	Pala Mesa Creek: Just downstream of Old Route 395 .....	*311	Approximately 70 feet up- stream of Rudnick Road .....	*1,944
At Proctor Valley Road .....	*128	At Canonita Drive .....	*384	Approximately 1,510 feet up- stream of Rudnick Road .....	*1,960
At El Rancho Grande Road ....	*147	Approximately 140 feet up- stream of Valley Oaks Bou- levard East .....	*442	Coleman Creek: Approximately 1,860 feet downstream of Highway 78	*3,569
At San Miguel Road .....	*200	Slaughterhouse Creek: Approximately 1,240 feet downstream of Route 67 ....	*447	Approximately 400 feet up- stream of Highway 78 .....	*3,604
Approximately 1,350 feet up- stream of San Miguel Road	*244	Just downstream of Slaughter- house Canyon Road .....	*465		
Buena Creek: Buena Creek:	*268	Approximately 1,680 feet up- stream of Slaughterhouse Canyon Road .....	*490		
		Approximately 4,080 feet up- stream of Slaughterhouse Canyon Road .....	*545		
		Forester Creek:			

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Approximately 410 feet downstream of Calico Ranch Road .....	*3,620	Approximately 610 feet upstream of Kiso Lane .....	*738	At Deer Springs Road .....	*723
Approximately 990 feet upstream of Calico Ranch Road .....	*3,660	<b>Buena Creek:</b> Just downstream of the Atchison, Topeka and Santa Fe Railroad .....	*443	<b>Maps are available for inspection</b> at the City of San Marcos Engineering Services Department, One Civic Center Drive, San Marcos, California.	
Approximately 2,840 feet upstream of Calico Ranch Road .....	*3,740	Just upstream of the Atchison, Topeka and Santa Fe Railroad .....	*445	<b>Santee (City), San Diego County (FEMA Docket No. 7146)</b>	
Approximately 3,490 feet upstream of Calico Ranch Road .....	*3,780	Approximately 300 feet upstream of the Atchison, Topeka and Santa Fe Railroad	*447	<b>San Diego River:</b> Approximately 1,800 feet downstream of Riverford Road .....	*354
Approximately 4,890 feet upstream of Calico Ranch Road .....	*3,869	<b>Reidy Creek:</b> Approximately 20,650 feet from confluence with Escondido Creek .....	*756	Approximately 1,200 feet downstream of Riverford Road .....	*361
Approximately 6,390 feet upstream of Calico Ranch Road .....	*3,914	<b>Maps are available for inspection</b> at the San Diego County Department of Public Works, Land Development Division, 5555 Overland Avenue, San Diego, California.		<b>Maps are available for inspection</b> at the City of Santee City Hall, 10601 Magnolia Avenue, Santee, California.	
Approximately 7,650 feet upstream of Calico Ranch Road .....	*3,941				
Approximately 1.75 miles upstream of Calico Ranch Road .....	*3,974	<b>San Diego County (Unincorporated Areas) (FEMA Docket No. 7146)</b>		<b>Saratoga (City), Santa Clara County (FEMA Docket No. 7198)</b>	
Approximately 2 miles upstream of Calico Ranch Road .....	*4,012	<b>Johnson Canyon Creek:</b> 800 feet upstream of confluence with Otay River .....	# 1	<b>Calabazas Creek:</b> Approximately 600 feet upstream of Prospect Road ....	*306
Approximately 12,230 feet upstream of Calico Ranch Road .....	*4,044	920 feet upstream of confluence with Otay River .....	*229	Just upstream of Wardell Road .....	*341
Approximately 13,530 feet upstream of Calico Ranch Road .....	*4,164	4,500 feet upstream of confluence with Otay River .....	*307	<b>Prospect Creek:</b> At confluence with Calabazas Creek .....	*315
<b>Twin Oaks Valley Creek:</b> Approximately 300 feet downstream of Olive Street .....	*694	14,030 feet upstream of confluence with Otay River .....	*511	Just downstream of Prospect Road .....	*351
Approximately 400 feet upstream of Olive Street .....	*700	<b>San Luis Rey River:</b> 2,100 feet downstream of Old Highway 395 (Escondido Expressway) .....	0	<b>Maps are available for inspection</b> at 13777 Fruitvale Avenue, Saratoga, California.	
At Deer Springs Road .....	*723	Just downstream of Shearer Road .....	0		
Approximately 100 feet downstream of Tres Encinas Road .....	*770	<b>Maps are available for inspection</b> at the San Diego County Department of Public Works, Land Development Division, 5555 Overland Avenue, San Diego, California.		<b>Sonoma County (Unincorporated Areas) (FEMA Docket No. 7198)</b>	
Approximately 2,420 feet upstream of Tres Encinas Road .....	*809			<b>Fryer Creek:</b> Just upstream of Leveroni Road .....	*56
<b>Deer Springs Creek:</b> Approximately 75 feet downstream of Marilyn Lane .....	*723			Approximately 0.5 mile upstream of Leveroni Road .....	*60
Approximately 2,550 feet upstream of Marilyn Lane .....	*749	<b>San Marcos (City), San Diego County (FEMA Docket No. 7146)</b>		<b>Maps are available for inspection</b> at the Sonoma County Department of Permits and Resources, 575 Administrative Drive, Santa Rosa, California.	
Approximately 3,965 feet upstream of Marilyn Lane .....	*774	<b>Olive Creek:</b> Approximately 600 feet upstream of confluence with Twin Oaks Valley Creek .....	*699		
<b>Stevenson Creek:</b> Approximately 900 feet downstream of Deer Springs Road .....	*730	Approximately 815 feet upstream of confluence with Twin Oaks Valley Creek .....	*704	<b>COLORADO</b>	
At Vista Merriam Road .....	*766	Approximately 1,415 feet upstream of confluence with Twin Oaks Valley Creek .....	*711	<b>Colorado Springs (City), El Paso County (FEMA Docket No. 7202)</b>	
Approximately 200 feet upstream of Country Garden Lane .....	*815	<b>Twin Oaks Valley Creek:</b> Approximately 900 feet downstream of Olive Street .....	*690	<b>Pine Creek:</b> Approximately 950 feet upstream of Interstate 25 .....	*6,319
<b>Olive Creek:</b> At confluence with Twin Oaks Valley Creek .....	*699	Approximately 400 feet upstream of Olive Street .....	*700	Approximately 480 feet upstream of Academy Boulevard .....	*6,441
Approximately 1,800 feet upstream of confluence with Twin Oaks Valley Creek .....	*715	Approximately 200 feet upstream of Mulberry Drive .....	*716	<b>Pine Creek Tributary:</b>	
Approximately 50 feet downstream of Kiso Lane .....	*724				

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Approximately 225 feet above confluence with Pine Creek	*6,378	<i>Dirty Woman Creek—Middle Fork:</i>		Approximately 1,200 feet upstream of confluence with Fountain Creek .....	*6,267
Approximately 2,100 feet upstream of confluence with Pine Creek .....	*6,398	At confluence with Dirty Woman Creek .....	*7,142	Approximately 1,250 feet upstream of Crystal Hills Boulevard .....	*6,505
<b>Maps are available for inspection</b> at the City of Colorado Springs Regional Building Department, 101 West Costilla Street, Colorado Springs, Colorado.		Approximately 1,050 feet upstream of Furrow Road .....	*7,336	<b>Maps are available for inspection</b> at the City of Manitou Springs City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.	
<b>El Paso County (Unincorporated Areas) (FEMA Docket No. 7188)</b>		<i>Dirty Woman Creek—North Fork:</i>		<b>Monument (Town), El Paso County (FEMA Docket No. 7202)</b>	
<i>Bear Creek:</i>		At confluence with Dirty Woman Creek—Middle Fork	*7,156	<i>Black Forest-Baptist Road Tributary:</i>	
At confluence with Fountain Creek .....	*5,939	Approximately 1.3 miles upstream of Augusta Drive .....	*7,385	At Baptist Road .....	*7,020
Just above Eighth Street .....	*5,978	<i>Dirty Woman Creek—South Fork:</i>		Approximately 120 feet upstream of Baptist Road .....	*7,022
Approximately 570 feet upstream of Eighth Street .....	*5,985	At confluence with Dirty Woman Creek .....	*7,153	<i>Crystal Creek:</i>	
<i>Black Forest Creek:</i>		Approximately 975 feet upstream of Furrow Road .....	*7,320	Approximately 70 feet upstream of confluence with Monument Lake .....	*6,923
Approximately 160 feet upstream of confluence with Monument Creek .....	*6,657	<i>Douglas Creek South:</i>		Approximately 160 feet downstream of Interstate 25 .....	*7,053
Approximately 1,840 feet upstream of Gleneagle Drive ..	*7,036	Approximately 4,250 feet upstream of confluence with Monument Creek .....	*6,212	<i>Dirty Woman Creek:</i>	
<i>Black Forest Creek—Baptist Road Tributary:</i>		Just upstream of Holland Park Boulevard .....	*6,254	At Mitchell Street .....	*6,886
At confluence with Black Forest Creek .....	*6,955	1,620 feet upstream of Arowswest Drive .....	*6,428	Just downstream of Westword Lane .....	*6,995
Approximately 250 feet upstream of Celtic Court .....	*7,160	<i>Fisher's Canyon—Above Loomis Avenue:</i>		<b>Maps are available for inspection</b> at the Town of Monument Town Hall, 166 Second Street, Monument, Colorado.	
<i>Black Forest Creek—Middle Tributary:</i>		Approximately 3,650 feet upstream of Loomis Avenue ...	*5,913	<b>MISSOURI</b>	
Just upstream of Interstate 25	*6,725	Approximately 600 feet upstream of Cheyenne Meadows Road .....	*5,938	<b>Lamar Heights (Village), Barton County (FEMA Docket No. 7198)</b>	
Approximately 100 feet upstream of Westchester Drive	*6,808	<i>Fisher's Canyon-South Branch:</i>		<i>North Fork Spring River:</i>	
<i>Camp Creek:</i>		At confluence with Fisher's Canyon-Above Loomis Avenue .....	*5,930	Approximately 1,500 feet downstream of the Burlington Northern Railroad ...	*938
At confluence with Fountain Creek .....	*6,110	Approximately 140 feet upstream of Wycliffe Drive .....	*5,955	Just upstream of First Street ..	*941
Just upstream of 31st Street ...	*6,266	<i>Pine Creek:</i>		<b>Maps are available for inspection</b> at 128 West Tenth Street, Lamar, Missouri.	
Just upstream of Gateway Road .....	*6,314	At confluence with Pine Creek	*6,282	<b>NEBRASKA</b>	
Approximately 1.5 miles upstream of Gateway Road ....	*6,524	Approximately 1 mile upstream of confluence with Pine Creek .....	*6,296	<b>Lincoln (City), Lancaster County (FEMA Docket No. 7118)</b>	
<i>Crystal Creek:</i>		<i>Pine Creek Tributary:</i>		<i>Deadman's Run:</i>	
At confluence with Monument Lake .....	*6,922	At confluence with Pine Creek	*6,367	At confluence with Salt Creek	*1,142
Approximately 800 feet upstream of Deer Creek Road	*7,138	Approximately 1 mile upstream of confluence with Pine Creek .....	*6,467	Just downstream of Huntington Avenue .....	*1,150
<i>Crystal Creek—Split Flow Channel:</i>		<i>Sutherland Creek:</i>		Just upstream of bike trail .....	*1,189
At confluence with Dirty Woman Creek .....	*7,000	Approximately 0.25 mile upstream of confluence with Fountain Creek .....	*6,277	Just upstream of "O" Street ...	*1,220
Approximately 1,000 feet upstream of Frontage Road ....	*7,061	Approximately 1,250 feet upstream of Crystal Hills Boulevard .....	*6,505	Just downstream of "A" Street	*1,260
<i>Dirty Woman Creek:</i>		<b>Maps are available for inspection</b> at the El Paso County Regional Building Office, 101 West Costilla, Colorado Springs, Colorado.			
At confluence with Monument Creek .....	*6,869	<b>Manitou Springs (City), El Paso County (FEMA Docket No. 7202)</b>			
Approximately 2,150 feet upstream of Furrow Road .....	*7,320	<i>Sutherland Creek:</i>			
<i>Dirty Woman Creek—Lake Fork:</i>		At convergence with Dirty Woman Creek .....	*7,006		
At convergence with Dirty Woman Creek .....	*7,006	Approximately 340 feet upstream of Woodmoor Drive	*7,270		

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
<b>Maps are available for inspection</b> at the City of Lincoln Planning Department, 555 South Tenth Street, Lincoln, Nebraska.	
<b>NEW MEXICO</b>	
<b>Silver City (Town), Grant County (FEMA Docket No. 7198)</b>	
<i>San Vicente Arroyo:</i> Approximately 400 feet downstream of State Route 90 ....	*5,822
At confluence with Silva and Pinos Altos Creeks .....	*5,890
<i>Pinos Altos Creek:</i>	
At confluence with San Vicente Arroyo .....	*5,890
At 32nd Street .....	*6,035
Approximately 1,300 feet upstream of 32nd Street .....	*6,047
<i>Tributary 7 to Pinos Altos Creek:</i>	
At confluence with Pinos Altos Creek .....	*5,951
Approximately 700 feet upstream of confluence with Pinos Altos Creek .....	*5,961
<i>Silva Creek:</i>	
At confluence with San Vicente Arroyo .....	*5,890
Approximately 2,500 feet upstream of U.S. Route 180 ...	*5,939
Approximately 7,000 feet upstream of U.S. Route 180 ...	*5,990
<b>Maps are available for inspection</b> at the Town of Silver City Town Hall, Broadway Street, Silver City, New Mexico.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")  
 Dated: February 24, 1997.  
 Richard W. Krimm,  
*Executive Associate Director, Mitigation Directorate.*  
 [FR Doc. 97-5274 Filed 3-3-97; 8:45 am]  
 BILLING CODE 6718-04-P

**FEDERAL MARITIME COMMISSION**

**46 CFR Part 586**

[Docket No. 96-20]

**Port Restrictions and Requirements in the United States/Japan Trade**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Maritime Commission, in response to unfavorable conditions in the foreign oceanborne trade between the United States and Japan, is imposing \$100,000 per-voyage

fees on liner vessels operated by Japanese carriers calling at United States ports. The unfavorable conditions identified by the Commission involve restrictions on and requirements for use of Japanese ports. These conditions arise out of or result from laws, rules, and regulations of the Government of Japan.

**DATES:** *Effective Date:* April 14, 1997.

**ADDRESSES:** Requests for publicly available information or additional filings should be addressed to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573, (202) 523-5725.

**FOR FURTHER INFORMATION CONTACT:** Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573, (202) 523-5740.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 6, 1996, the Commission proposed a rule, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b) ("Section 19") to assess fees on Japanese liner operators in response to requirements and restrictions on the use of Japanese ports.<sup>1</sup> In the Notice of Proposed Rulemaking, 61 FR 58160, Nov. 13, 1996, ("Notice") the Commission stated that the Government of Japan appeared to discriminate against U.S. carriers by not licensing non-Japanese companies to perform stevedoring or terminal operating services. The Commission further found that the Government of Japan, through its licensing practices and other support, appeared to protect the dominant position of the Japan Harbor Transportation Association ("JHTA"), the trade organization that wields broad control over the Japanese harbor services industry. The Commission explained that JHTA's authority over Japanese harbor services stemmed from

<sup>1</sup> Section 19 authorizes and directs the Commission to "make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally, including . . . terminal operations . . . which arise out of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents, or masters of vessels of a foreign country . . ."

The rules and regulations the Commission is authorized to make include limitation of sailings, suspension of carriers' tariffs or rights to use conference tariffs, suspension of carriers' rights to operate under FMC-filed terminal and other agreements, fees of up to \$1,000,000 per voyage, or any other action deemed necessary and appropriate to adjust or meet the unfavorable condition. 46 U.S.C. app. 876(9).

its administration of the prior consultation system, a process of mandatory discussions and pre-approvals for ocean carrier operational plans. In response to these conditions, the Commission proposed to levy a per-voyage fee of \$100,000 each time a liner vessel owned or operated by one of the three Japanese liner operators serving U.S. trades (Kawasaki Kisen Kaisha, Nippon Yusen Kaisha, and Mitsui O.S.K. Lines) enters a U.S. port from abroad.

The closing date for comments, originally set for January 13, 1997, was extended to January 20, 1997, to allow parties to address the outcome of maritime consultations held between the United States Government and the Government of Japan on January 6-7, 1997.

**Comments**

*American President Lines and Sea-Land Service*

Joint comments strongly supporting the proposed rule were filed by American President Lines, Ltd. ("APL"), and Sea-Land Service, Inc. ("Sea-Land"), the two U.S. carriers operating in the Japan trade. Those lines stated:

The premise on which [the proposed rule] rests is indisputable, namely, that the government of Japan has, through its discriminatory licensing system in the harbor services industry, created conditions unfavorable to shipping in the U.S.-Japan trade. As accurately recounted in the Supplementary Information to the Notice, the stevedoring and terminal services providers in Japan are licensed by the Ministry of Transport ("MOT") in a largely discretionary process and are exclusively Japanese entities. Also, [JHTA] functions as a trade association of such providers with the approval of MOT. The activities of the JHTA, in which MOT have long acquiesced, are characterized by blatant anti-competitive practices including those at issue in this and prior proceedings of the Commission.

APL/Sea-Land Comments at 1-2.

The U.S. carriers explained that the need for changes in Japanese port practices is becoming more urgent:

In years past, when carriers performed their individual vessel and terminal operations, JHTA-imposed inefficiencies were merely an unwelcome set of phenomena. However, difficult market conditions in the trans-Pacific trade in general and in the U.S.-Japan trade in particular have forced carriers to enter into reciprocal slot charter and terminal rationalization arrangements in order to increase service competitiveness while lowering costs. Thus, when an economically-driven redeployment of the assets of several carriers operating under a strategic alliance is frustrated or delayed by the absolute control and abuse of power of the JHTA in Japan over