

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet +(NAVD)		Communities affected
		Effective	Modified	

**Addresses:**

# Depth in feet above ground.

**Fresno County (Unincorporated. Areas):**

**Maps are available for inspection at** the Fresno County Department of Public Works and Planning, 2220 Tulare Street, Fresno, California 93721.

Send comments to The Honorable Bart Bohn, Fresno County Administrative Officer, County Hall of Records, Room 304, 2281 Tulare Street, Fresno, California 93721.

**City of Fresno:**

**Maps are available for inspection at** City Hall, 2600 Fresno Street, Room 3043, Fresno, California 93721.

Send comments to The Honorable Alan Autry, Mayor, City of Fresno, City Hall, 2600 Fresno Street, Fresno, California 93721-3600.

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

Dated: October 30, 2002.

**Anthony S. Lowe,**

*Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 02-27968 Filed 11-1-02; 8:45 am]

**BILLING CODE 6718-04-P**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-D-7544]

### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the 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 comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed 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 following table.

**FOR FURTHER INFORMATION CONTACT:**

Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) [matt.miller@fema.gov](mailto:matt.miller@fema.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations 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 base flood and modified base flood elevations, 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 are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

*National Environmental Policy Act.* This proposed 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 Administrator, Federal Insurance and

Mitigation Administration, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed 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. As a result, a regulatory flexibility analysis has not been prepared.

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

*Executive Order 12778, Civil Justice Reform.* This proposed 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 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:

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
<b>Alabama</b>				
<b>Montgomery County (Unincorporated Areas) and City of Montgomery</b>				
Baldwin Slough .....	At the confluence with Catoma Creek .....	*182	*181	City of Montgomery.
	Approximately 600 feet upstream of Vaughn Road .....	None	*235	
Catoma Creek .....	Just upstream of Trotman Road .....	*214	*216	Montgomery County (Unincorporated Areas).
	Approximately 12.5 miles upstream of Trotman Road ..	None	*247	
Catoma Creek Tributary 1 ..	Approximately 550 feet downstream of the most downstream crossing of Troy Highway.	*203	*204	City of Montgomery, Montgomery County (Unincorporated Areas).
	Approximately 2.9 miles upstream of the most upstream crossing of Troy Highway.	None	*233	
Catoma Creek Tributary 1 Branch 1.	At the confluence with Catoma Creek Tributary 1 .....	None	*206	City of Montgomery.
	Approximately 1.5 miles upstream of the confluence with Catoma Creek Tributary 1.	None	*223	
Catoma Creek Tributary 1 Branch 2.	At confluence with Catoma Creek Tributary 1 .....	None	*208	City of Montgomery.
	Approximately 1.7 miles upstream of confluence with Catoma Creek Tributary 1.	None	*234	
Catoma Creek Tributary 1 and Branch 3.	At confluence with Catoma Creek Tributary 1 .....	None	*212	City of Montgomery.
	Approximately 1.4 miles upstream of the confluence with Catoma Creek Tributary 1.	None	*235	
Dry Creek .....	Approximately 200 feet downstream of Troy Highway ..	None	*247	Montgomery County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Canty Road .....	None	*271	
Jenkins Creek .....	Just upstream of CSX Transportation .....	None	*208	City of Montgomery, Montgomery County (Unincorporated Areas).
	Approximately 100 feet upstream of Vaughn Road .....	None	*222	
Little Catoma Creek .....	Approximately 1.25 miles upstream of Troy Highway ...	None	*220	Montgomery County (Unincorporated Areas).
	Just upstream of Old Hayneville Road .....	None	*268	
Little Catoma Creek Tributary 1.	Approximately 300 feet upstream from the confluence with Little Catoma Creek.	None	*220	Montgomery County (Unincorporated Areas).
	Approximately 50 feet upstream of Old Pike Road .....	None	*259	
Millies Creek .....	Just upstream of CSX Transportation .....	None	*215	Montgomery County (Unincorporated Areas), City of Montgomery.
	Approximately 50 feet upstream of Wallahatchie Road	None	*238	
Oliver Creek .....	Approximately 0.8 mile downstream of CSX Transportation.	*174	*173	City of Montgomery.
	Approximately 100 feet upstream of Interstate Route 85.	None	*237	

**Montgomery County (Unincorporated Areas)**

**Maps available for inspection** at the Montgomery County Engineering Department, 3152 Rolling Road Circle, Montgomery, Alabama. Send comments to Mr. Bill Joseph, Chairman of the Montgomery County Commission, P.O. Box 1667, Montgomery, Alabama 36102.

**City of Montgomery**

**Maps available for inspection** at the Montgomery City Hall, 103 North Perry, Montgomery, Alabama. Send comments to The Honorable Bobby Bright, Mayor of the City of Montgomery, City Hall, P.O. Box 1111, Montgomery, Alabama 36101.

**Beaufort County, North Carolina (Unincorporated Areas)**

Acre Swamp .....	At the confluence with Pungo Swamp .....	None	•20	Beaufort County (Unincorporated Areas)
	Approximately 0.6 mile upstream of confluence with Fork Swamp.	None	•28	
Back Creek .....	Approximately 1.9 miles upstream of State Route 92 ...	None	•9	Beaufort County (Unincorporated Areas).
	Approximately 3.0 miles upstream of State Route 92 ...	None	•10	
Bailey Creek .....	Approximately 1.1 mile upstream of State Route 306 ...	None	•9	Beaufort County (Unincorporated Areas).
	Approximately 150 feet upstream of railroad .....	None	•12	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Blounts Creek .....	At the upstream side of the railroad .....	•16	•15	Beaufort County (Unincorporated Areas).
Broomfield Swamp Creek ..	Approximately 1.7 miles upstream of the railroad ..... Approximately 200 feet downstream of Broome Road ..	None None	•23 •7	Beaufort County (Unincorporated Areas), Town of Aurora.
Cypress Run .....	Approximately 0.4 mile upstream of Broome Road ..... At the upstream side of Idalia Road .....	None None	•11 •10	Beaufort County (Unincorporated Areas).
Duck Creek .....	Approximately 0.8 mile upstream of Idalia Road ..... Approximately 0.4 mile upstream of Hawkins Beach Road.	None None	•14 •9	Beaufort County (Unincorporated Areas).
Durham Creek .....	Approximately 200 feet upstream of Camp Leach Road Approximately 1.2 miles downstream of Durham Creek Road.	None None	•9 •8	Beaufort County (Unincorporated Areas).
Durham Creek Tributary .....	Approximately 0.8 mile upstream of Walker Road ..... At the confluence with Durham Creek .....	None None	•37 •12	Beaufort County (Unincorporated Areas).
Durham Creek Tributary 2	Approximately 50 feet downstream of Durham Creek Road. At the confluence with Durham Creek .....	•16 None	•15 •21	Beaufort County (Unincorporated Areas).
Fork Swamp .....	Approximately 1,875 feet upstream of Fork Road ..... At the confluence with Acre Swamp .....	None None	•27 •28	Beaufort County (Unincorporated Areas).
Gum Swamp Run East .....	Approximately 0.5 mile upstream of the railroad ..... Approximately 0.4 mile upstream of confluence with South Creek.	None None	•35 •7	Beaufort County (Unincorporated Areas).
Harvey Creek .....	Approximately 100 feet downstream of Bay City Road At the upstream side of Interstate Route 264 .....	None None	•9 •19	Beaufort County (Unincorporated Areas).
Herring Run .....	Approximately 1.0 mile upstream of Interstate Route 264. Approximately 100 feet downstream of Herring Run Road.	None None	•25 •10	Beaufort County (Unincorporated Areas).
Porter Creek .....	Approximately 1.0 mile upstream of Gore Point Road .. Approximately 0.9 mile downstream of Louden Road ...	None None	•17 •8	Beaufort County (Unincorporated Areas).
Poundpole Swamp Branch	Approximately 100 feet downstream of Gray Road ..... At the confluence with Blounts Creek .....	None None	•16 •15	Beaufort County (Unincorporated Areas).
Pungo Swamp .....	Approximately 0.6 mile upstream of Little Egypt Road Approximately 0.5 mile upstream of Jones Bridge Road.	None None	•33 •12	Beaufort County (Unincorporated Areas).
Rowland Creek .....	Approximately 100 feet upstream of State Route 32 .... Approximately 100 feet upstream of Post Road .....	None None	•25 •9	Beaufort County (Unincorporated Areas).
South Creek .....	Approximately 2,000 feet upstream of Jackson Swamp Road. Approximately 1,800 feet upstream of the confluence with Cypress Run.	None None	•11 •7	Beaufort County (Unincorporated Areas).
Tankard Creek .....	Approximately 2.7 miles upstream of the confluence with Cypress Run. Approximately 100 feet upstream of Boyd Loop Road ..	None None	•15 •13	Beaufort County (Unincorporated Areas).
Upper Broad Creek .....	Approximately 1.2 miles upstream of Boyd Loop Road At the confluence with Durham Creek .....	None •27	•18 •26	Beaufort County (Unincorporated Areas).
Whitehurst Creek .....	At the County boundary .....	None	•31	Beaufort County (Unincorporated Areas).
	Approximately 0.9 mile upstream of State Route 306 ...	None	•7	
Pamlico River/Pamlico Sound/Atlantic Ocean.	Approximately 0.5 mile upstream of Brantely Swamp Road. In the vicinity of the intersection of Austin Road and Cypress Swamp Road.	None	•11 •7	Beaufort County (Unincorporated Areas).
Atlantic Ocean/Pamlico Sound.	At the intersection of 9th Street and Boston Avenue ....	•9	•10	City of Washington.
Bear Creek .....	At the upstream side of State Route 33 .....	None	•27	Beaufort County (Unincorporated Areas).

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Bear Grass Swamp .....	Approximately 650 feet downstream of Hodges Road ..	None	•35	Beaufort County (Unincorporated Areas).
	At the confluence with Tranters Creek .....	None	•31	
Beaverdam Swamp .....	Approximately 1,000 feet upstream of the confluence with Turkey Swamp.	None	•31	Beaufort County (Unincorporated Areas).
	Approximately 50 feet upstream of Slatestone Road ....	None	•37	
Big Swamp .....	Approximately 1.0 mile upstream of Slatestone Road ..	None	•46	Beaufort County (Unincorporated Areas).
	Approximately 50 feet upstream of Market Street Ext. ..	None	•31	
Broad Creek .....	Approximately 1,000 feet upstream of J and W Tram Road.	None	•44	Beaufort County (Unincorporated Areas).
	At Broad Creek Road .....	•9	•10	
Broad Creek Tributary .....	Approximately 1.3 miles upstream of Broad Creek Road.	•9	•10	Beaufort County (Unincorporated Areas).
	At the upstream side of Lizard Slip Road .....	•14	•15	
Chicod Creek .....	Approximately 1.4 miles upstream of Old Bath Highway.	•28	•31	Beaufort County (Unincorporated Areas).
	Approximately 0.9 mile downstream of Dixon Road .....	None	•31	
Chocowinity Creek .....	At the confluence of Juniper Swamp .....	None	•43	Beaufort County (Unincorporated Areas).
	Approximately 450 feet downstream of the confluence of Morris Run.	None	•22	
Cindy Edwards Branch .....	Approximately 3.7 miles upstream of the confluence of Morris Run.	None	•40	Beaufort County (Unincorporated Areas).
	At the upstream side of State Route 33 .....	None	•17	
Creeping Swamp .....	Approximately 1.0 mile upstream of State Route 33 .....	None	•24	Beaufort County (Unincorporated Areas).
	Approximately 0.7 mile downstream of State Route 102.	None	•34	
Gum Swamp .....	At the County boundary .....	None	•48	Beaufort County (Unincorporated Areas).
	At the upstream side of U.S. Interstate 17 .....	None	•38	
Gum Swamp Run West .....	Approximately 650 feet downstream of County boundary.	None	•42	Beaufort County (Unincorporated Areas).
	Approximately 300 feet upstream of the confluence with Morris Run.	None	•26	
Hall Swamp .....	Approximately 1.5 miles upstream of the confluence with Morris Run.	None	•32	Beaufort County (Unincorporated Areas).
	Approximately 50 feet upstream of Slatestone Road ....	None	•37	
Harding Swamp .....	Approximately 150 feet downstream of Bluebird Lane ..	None	•39	Beaufort County (Unincorporated Areas).
	At the confluence with Juniper Swamp .....	None	•43	
Hills Creek .....	Approximately 0.7 mile upstream of the confluence of Juniper Swamp.	None	•47	Beaufort County (Unincorporated Areas).
	At the downstream side of Gilead Shores Road .....	None	•10	
Horse Branch .....	Approximately 0.8 mile upstream of Gilead Shores Road.	None	•13	Beaufort County (Unincorporated Areas).
	At the confluence with White Branch .....	None	•14	
Horsepen Swamp .....	At Gray Road .....	None	•18	Beaufort County (Unincorporated Areas).
	At the confluence with Tranters Creek .....	None	•16	
Joe Branch .....	Approximately 1.4 miles upstream of Wards Bridge Road.	None	•40	Beaufort County (Unincorporated Areas).
	At the upstream side of Possum Track Road .....	None	•43	
Maple Branch .....	Approximately 1,500 feet upstream of Possum Track Road.	None	•45	Beaufort County (Unincorporated Areas), City of Washington.
	At the upstream side of U.S. Highway 264 .....	•14	•11	
	Approximately 0.6 mile upstream of Farm Path .....	None	•21	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Mitchell Branch .....	At U.S. Highway 264 .....	•12	•14	Beaufort County (Unincorporated Areas), City of Washington.
Morris Run .....	Approximately 160 feet upstream of Cherry Run Road At the confluence with Chocowinity Creek .....	None None	•21 •22	Beaufort County (Unincorporated Areas).
Old Ford Swamp .....	Approximately 1.8 miles upstream of State Route 33 ... Approximately 1,250 feet downstream of Calf Branch Road.	None •25	•32 •26	Beaufort County (Unincorporated Areas).
Pinelog Branch .....	Approximately 0.7 mile upstream of Calf Branch Road At the confluence with Tranters Creek .....	None None	•36 •29	Beaufort County (Unincorporated Areas).
Pineygrove Branch .....	Approximately 0.8 mile upstream of Cherry Run Road Approximately 100 feet upstream of Corsica Road .....	None None	•30 •27	Beaufort County (Unincorporated Areas), City of Washington.
Snoad Branch .....	Approximately 2,000 feet upstream of Singleton Road Approximately 600 feet downstream of Voa Road .....	None •18	•33 •19	Beaufort County (Unincorporated Areas).
Tranters Creek .....	Approximately 1.4 miles upstream of Voa Road .....	None	•33	Beaufort County (Unincorporated Areas).
	Approximately 1,600 feet upstream of the confluence with Maple Branch.	None	•11	
White Branch .....	At the confluence of Bear Grass Swamp .....	None	•31	Beaufort County (Unincorporated Areas).
	At the confluence with Chocowinity Creek .....	•11	•12	
	At the downstream side of Gray Road .....	None	•16	

•North American Vertical Datum.

#### Town of Aurora

**Maps available for inspection at** the Aurora Town Hall, 295 Main Street, Aurora, North Carolina.

Send comments to The Honorable Joe Hooker, Mayor of the Town of Aurora, P.O. Box 86, Aurora, North Carolina 27806.

#### Beaufort County (Unincorporated Areas)

**Maps available for inspection at** the Beaufort County Building Inspection, 220 North Market Street, Washington, North Carolina.

Send comments to Mr. Donald Davenport, Beaufort County Manager, P.O. Box 1027, Washington, North Carolina 27889.

#### City of Washington

**Maps available for inspection at** the City of Washington Building Inspection Department, 102 East Second Street, North Carolina.

Send comments to Mr. R.L. Willoughby, Washington City Manager, P.O. Box 1988, Washington, North Carolina 27889.

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

Dated: October 30, 2002.

**Anthony S. Lowe,**

*Administrator, Federal Insurance and Mitigation Administration.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. I.D. 083002E]

RIN 0648-AP86

#### International Fisheries; Pacific Tuna Fisheries

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; 2002 management measures for yellowfin and juvenile bigeye tuna; request for comments.

**SUMMARY:** NMFS proposes this rule to implement the 2002 management measures to prevent overfishing of eastern tropical Pacific ocean (ETP) tuna stocks, pursuant to recommendations by the Inter-American Tropical Tuna Commission (IATTC) that have been approved by the Department of State (DOS) under the terms of the Tuna Conventions Act. The purse seine fishery for tuna in the Convention Area would be closed for the month of December, 2002. This action is taken to limit total fishing mortality caused by purse seine fishing in the Convention Area and thus prevent overfishing and maintain the tuna stocks at levels that support healthy fisheries. In addition, the current bycatch reduction pilot program scheduled to run through 2002 would be extended through 2004.