

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA-7809]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Mike Grimm, Mitigation Division, 500 C Street, SW.; Room 435, Washington, DC 20472, (202) 646-3443.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that

statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No

environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

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.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 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.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and local jurisdiction	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region II				
New York: Plattsburgh, City of, Clinton County.	360168	April 12, 1973, Emerg.; April 17, 1978, Reg.; June 3, 2003, Susp.	June 3, 2003.	June 3, 2003.
Plattsburgh, Town of, Clinton County ...	360169	May 25, 1973, Emerg.; September 28, 1979, Reg.; June 3, 2003, Susp.	.....do*	Do.
Region IV				
North Carolina: Laurinburg, City of, Scotland County.	370222	February 14, 1975, Emerg.; January 3, 1986, Reg.; June 17, 2003, Susp.	June 17, 2003	June 17, 2003.
Scotland County, Unincorporated Areas.	370316	July 30, 1975, Emerg.; December 16, 1988, Reg.; June 17, 2003, Susp.	.....do	Do.
Region V				
Wisconsin: Belleville, Village of, Dane County.	550159	July 15, 1975, Emerg.; November 19, 1980, Reg.; June 17, 2003, Susp.	.....do	Do.
Black Earth, Village of, Dane County ...	550079	August 7, 1975, Emerg.; January 2, 1981, Reg.; June 17, 2003, Susp.	.....do	Do.
Cambridge, Village of, Dane County	550080	November 28, 1975, Emerg.; June 4, 1980, Reg.; June 17, 2003, Susp.	.....do	Do.
Cottage Grove, Village of, Dane County.	550617	July 11, 2000, Emerg.; June 17, 2003, Reg.; June 17, 2003, Susp.	.....do	Do.
Cross Plains, Village of, Dane County	550081	June 16, 1975, Emerg.; February 16, 1983, Reg.; June 17, 2003, Susp.	.....do	Do.
Dane County, Unincorporated Areas ...	550077	October 20, 1972, Emerg.; September 29, 1978, Reg.; June 17, 2003, Susp.	.....do	Do.
De Forest, Village of, Dane County	550082	April 16, 1975, Emerg.; September 1, 1978, Reg.; June 17, 2003, Susp.	.....do	Do.
Fitchburg, City of, Dane County	550610	August 23, 2001, Reg.; June 17, 2003, Susp.	.....do	Do.
Madison, City of, Dane County	550083	July 17, 1975, Emerg.; September 30, 1980, Reg.; June 17, 2003, Susp.	.....do	Do.
Marshall, Village of, Dane County	550084	July 15, 1975, Emerg.; December 16, 1980, Reg.; June 17, 2003, Susp.	.....do	Do.
Mazomanie, Village of, Dane County ...	550085	July 29, 1975, Emerg.; December 1, 1981, Reg.; June 17, 2003, Susp.	.....do	Do.
McFarland, Village of, Dane County	550086	April 17, 1975, Emerg.; June 15, 1978, Reg.; June 17, 2003, Susp.	.....do	Do.
Middleton, City of, Dane County	550087	June 27, 1974, Emerg.; May 1, 1980, Reg.; June 17, 2003, Susp.	.....do	Do.
Monona, City of, Dane County	550088	March 25, 1975, Emerg.; June 15, 1978, Reg.; June 17, 2003, Susp.	.....do	Do.
Oregon, Village of, Dane County	550089	May 28, 1974, Emerg.; September 30, 1980, Reg.; June 17, 2003, Susp.	.....do	Do.
Stoughton, City of, Dane County	550091	April 15, 1975, Emerg.; June 15, 1978, Reg.; June 17, 2003, Susp.	.....do	Do.
Sun Prairie, City of, Dane County	550573	December 11, 1995, Reg.; June 17, 2003, Susp.	.....do	Do.
Verona, City of, Dane County	550092	June 24, 1975, Emerg.; August 1, 1980, Reg.; June 17, 2003, Susp.	.....do	Do.
Waunakee, Village of, Dane County	550093	May 29, 1975, Emerg.; May 1, 1978, Reg.; June 17, 2003, Susp.	.....do	Do.
Region VIII				
Colorado: Wheat Ridge, City of, Jefferson County.	085079	April 16, 1971, Emerg.; May 26, 1972, Reg.; June 17, 2003, Susp.	.....do	Do.
Wyoming: Lincoln County, Unincorporated Areas.	560032	June 23, 1978, Emerg.; February 15, 1980, Reg.; June 17, 2003, Susp.	.....do	Do.

* do = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Anthony S. Lowe,
Mitigation Division Director, Emergency Preparedness and Response Directorate.
 [FR Doc. 03-13632 Filed 5-30-03; 8:45 am]
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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified 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: Mary Jean Pajak, P.E., FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2831.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local 2 circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the

Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified 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 modified 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.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

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 Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to 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 65

Flood insurance, floodplains, reporting and recordkeeping requirements.

■ Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for Part 65 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.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Connecticut: New Haven (FEMA Docket No. D-7531).	City of Milford	Oct. 9, 2002, Oct. 16, 2002, <i>New Haven Register</i> .	The Honorable James L. Richetelli, Mayor of the City of Milford, City Hall, 110 River Street, Milford, Connecticut 06460.	Jan. 15, 2003	090082 F