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[FR Doc. 03-29337 Filed 11-24-03; 8:45 am]

BILLING CODE 7710-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA-B-7440]

Changes in Flood Elevation Determinations

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

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified Base Flood

Elevations for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Division Director for the Emergency Preparedness and Response Directorate reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified 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: Doug Bellomo, P.E. Hazard Identification Section, Mitigation Division, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to Section 201 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 BFEs 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 the other Federal, State, or regional entities.

The changes in 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 for 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 interim 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 and case no.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Arizona:					
Maricopa	Town of Gila Bend, (02-09-807P), (02-09-857P).	August 7, 2003, August 14, 2003, <i>Arizona Business Gazette</i> .	The Honorable Chuck Turner, Mayor, Town of Gila Bend, P.O. Box A, Gila Bend, Arizona 85337.	Nov. 13, 2003	040043
Maricopa	City of Phoenix, (03-09-0522P).	August 7, 2003, August 14, 2003, <i>Arizona Business Gazette</i> .	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, Arizona 85003.	Nov. 13, 2003	040051
Maricopa	City of Scottsdale, (03-09-0482P).	July 24, 2003, July 31, 2003, <i>Arizona Business Gazette</i> .	The Honorable Mary Manross, Mayor, City of Scottsdale, 3939 North Drinkwater Boulevard, Scottsdale, Arizona 85251.	Oct. 23, 2003	045012
Maricopa	Unincorporated Areas, (02-09-807P), (02-09-857P).	August 7, 2003, August 14, 2003, <i>Arizona Business Gazette</i> .	The Honorable R. Fulton Brock, Chairman, Maricopa County, Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	Nov. 13, 2003	040037
Maricopa	Unincorporated Areas, (02-09-1240P).	August 7, 2003, August 14, 2003, <i>Arizona Republic</i> .	The Honorable R. Fulton Brock, Chairman, Maricopa County, Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.	Nov. 13, 2003	040037
Pima	Unincorporated Areas, (01-09-407P).	July 24, 2003, July 31, 2003, <i>Tucson Citizen</i> .	The Honorable Sharon Bronson, Chair, Pima County Board of Supervisors, 130 West Congress, 11th Floor, Tucson, Arizona 85701.	June 30, 2003	040073
Yavapai	Town of Prescott Valley, (03-09-0757P).	July 31, 2003, August 7, 2003, <i>Prescott Daily Courier</i> .	The Honorable Richard Killingsworth, Mayor, Town of Prescott Valley, Civic Center, 7501 East Civic Circle, Prescott Valley, Arizona 86314.	Nov. 6, 2003	040121
California:					
Contra Costa	City of Concord, (03-09-0859P).	September 4, 2003, September 11, 2003, <i>Contra Costa Times</i> .	The Honorable Mark Peterson, Mayor, City of Concord, Concord City Hall, 1950 Parkside Drive, Concord, California 94519.	Aug. 11, 2003	065022
Contra Costa	City of Richmond, (03-09-1116P).	September 18, 2003, September 25, 2003, <i>Contra Costa Times</i> .	The Honorable Irma Anderson, Mayor, City of Richmond, 2600 Barrett Avenue, Third Floor, Richmond, California 94804.	Aug. 27, 2003	060035
Mendocino	City of Ukiah, (03-09-0317P).	October 2, 2003, October 9, 2003, <i>Ukiah Daily Journal</i> .	The Honorable Eric Larson, Mayor, City of Ukiah, 300 Seminary Avenue, Ukiah, California 95482.	Sept. 11, 2003	060186
Mendocino	Unincorporated Areas, (03-09-0317P).	October 2, 2003, October 9, 2003, <i>Ukiah Daily Journal</i> .	The Honorable Richard Shoemaker, Chairman, Mendocino County, Board of Supervisors, 501 Low Gap Road, Room 1090, Ukiah, California 95482.	Sept. 11, 2003	060183
Riverside	City of Temecula, (02-09-1356P).	July 31, 2003, August 7, 2003, <i>Press Enterprise</i> .	The Honorable Jeff Stone, Mayor, City of Temecula, P.O. Box 9033, Temecula, California 92589-9033.	Nov. 6, 2003	060742
Sacramento ...	Unincorporated Areas, (03-09-0432P).	August 7, 2003, August 14, 2003, <i>Daily Recorder</i> .	The Honorable Illa Collin, Chair, Sacramento County, Board of Supervisors, 700 H Street, Room 2450, Sacramento, California 95814.	July 21, 2003	060262
San Bernardino.	City of Yucaipa, (03-09-0821P).	September 18, 2003, September 25, 2003, <i>San Bernardino County Sun</i> .	The Honorable Dick Riddell, Mayor, City of Yucaipa, 34272 Yucaipa Boulevard, Yucaipa, California 92399.	Sept. 2, 2003	060739
San Diego	City of San Diego, (03-09-1057P).	August 14, 2003, August 21, 2003, <i>San Diego Daily Transcript</i> .	The Honorable Richard M. Murphy, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, California 92101.	Nov. 20, 2003	060295
San Diego	City of San Diego, (03-09-0450P).	September 18, 2003, September 25, 2003, <i>San Diego Union-Tribune</i> .	The Honorable Richard M. Murphy, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, California 92101.	Aug. 21, 2003	060295
Santa Barbara	City of Santa Barbara, (01-09-220P).	October 9, 2003, October 16, 2003, <i>Santa Barbara News Press</i> .	The Honorable Marty Blum, Mayor, City of Santa Barbara, P.O. Box 1990, Santa Barbara, California 93102-1990.	Jan. 15, 2004	060335

State and county	Location and case no.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Ventura	City of Fillmore, (02-09-927P).	July 31, 2003, August 7, 2003, <i>Fillmore Gazette</i> .	The Honorable Evaristo Barajas, Mayor, City of Fillmore, City Hall, Central Park Plaza, 250 Central Avenue, Fillmore, California 93015-1907.	Nov. 7, 2003	060415
Ventura	Unincorporated Areas, (02-09-927P).	July 31, 2003, August 7, 2003, <i>Fillmore Gazette</i> .	The Honorable Judy Mikels, Chair, Ventura County, Board of Supervisors, 800 South Victoria Avenue, Ventura, California 93009.	Nov. 7, 2003	060413
Colorado:					
Arapahoe	Unincorporated Areas, (03-08-0362P).	August 14, 2003, August 21, 2003, <i>Denver Post</i> .	The Honorable Marie Mackenzie, Chair, Arapahoe County, Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166-0060.	July 24, 2003	08001
Denver	City and County of Denver, (03-08-0362P).	August 14, 2003, August 21, 2003, <i>Denver Post</i> .	The Honorable John W. Hickenlooper, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, Colorado 80202.	July 24, 2003	080046
El Paso	City of Colorado Springs, (03-08-0212P).	August 14, 2003, August 21, 2003, <i>The Gazette</i> .	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901-1575.	Oct. 9, 2003	080060
El Paso	City of Colorado Springs, (01-08-177P).	October 9, 2003, October 16, 2003, <i>The Gazette</i> .	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901-1575.	Jan. 15, 2004	080060
El Paso	Unincorporated Areas, (03-08-0385P).	August 20, 2003, August 27, 2003, <i>El Paso County News</i> .	The Honorable Chuck Brown, Chairman, El Paso County, Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, Colorado 80903-2208.	Nov. 26, 2004	080059
El Paso	Unincorporated Areas, (01-08-177P).	October 9, 2003, October 16, 2003, <i>The Gazette</i> .	The Honorable Chuck Brown, Chairman, El Paso County, Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, Colorado 80903-2208.	Jan. 15, 2004	080059
Jefferson	City of Lakewood, (03-08-0167P).	June 19, 2003, August 7, 2003, <i>Lakewood Sentinel</i> .	The Honorable Steve Burkholder, Mayor, City of Lakewood, 480 South Allison Parkway, Lakewood, Colorado 80226-3127.	Sept. 25, 2003	085075
Hawaii: Hawaii	Hawaii County, (03-09-0853P).	August 7, 2003, August 14, 2003, <i>Hawaii Tribune Herald</i> .	The Honorable Harry Kim, Mayor, Hawaii County, 25 Aupuni Street, Hilo, Hawaii 96720.	July 15, 2003	155166
Idaho: Gem	Unincorporated Areas, (03-10-0299P).	August 31, 2003, September 7, 2003, <i>Idaho Press Tribune</i> .	The Honorable Ed Mansfield, Chairman, Gem County, Board of Commissioners, 415 East Main Street, Emmett, Idaho 83617.	Dec. 4, 2003	160127
Nevada: Clark	Unincorporated Areas, (03-09-1569P).	October 2, 2003, October 9, 2003, <i>Las Vegas Review-Journal</i> .	The Honorable Mary Kincaid-Chauncey, Chair, Clark County, Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, Nevada 89155.	Sept. 11, 2003	320003
Texas: Collin	City of Frisco, (01-06-1415P).	August 8, 2003, August 15, 2003, <i>Frisco Enterprise</i> .	The Honorable Mike Simpson, Mayor, City of Frisco, 6891 Main Street, Frisco, Texas 75034.	Nov. 14, 2003	480134
Washington:					
Thurston	City of Olympia, (03-10-0337P).	September 18, 2003, September 25, 2003, <i>The Olympian</i> .	The Honorable Stan Biles, Mayor, City of Olympia, P.O. Box 1967, Olympia, Washington 98507-1967.	Dec. 26, 2003	530191
Thurston	City of Tumwater, (03-10-0337P).	September 18, 2003, September 25, 2003, <i>The Olympian</i> .	The Honorable Ralph C. Osgood, Mayor, City of Tumwater, 555 Israel Road Southwest, Tumwater, Washington 98501.	Dec. 26, 2003	530192
Thurston	Unincorporated Areas, (03-10-0337P).	September 18, 2003, September 25, 2003, <i>The Olympian</i> .	The Honorable Cathy Wolfe, Chair, Thurston County, Board of Commissioners, Building 1, Room 269, 2000 Lakeridge Drive Southwest, Olympia, Washington 98502-6045.	Dec. 26, 2003	530188

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

Dated: November 18, 2003.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

[FR Doc. 03-29354 Filed 11-24-03; 8:45 am]

BILLING CODE 9110-13-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

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

ACTION: Final rule.

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

EFFECTIVE 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 on 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: Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: 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 Mitigation Division Director of the Emergency Preparedness and Response Directorate, 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.

The Agency 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 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 final or modified BFEs 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 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) •Elevation in feet (NAVD)
MASSACHUSETTS	
Chelmsford (Town), Middlesex County (FEMA Docket No. D-7548)	
<i>River Meadow Brook:</i>	
Downstream corporate limit ..	*105
Approximately 20 feet upstream of Mill Road	*117
<i>Putnam Brook:</i>	
At confluence with River Meadow Brook	*112
Approximately 560 feet above confluence with River Meadow Brook	*112
Maps available for inspection at the Chelmsford Town Office, 50 Billerica Road, Chelmsford, Massachusetts.	
OHIO	
Bloomington (Village), Fayette County (FEMA Docket No. D-7580)	
<i>East Fork Paint Creek:</i>	
Upstream side of Midland Avenue (State Route 38) ..	•973
Approximately 0.5 mile upstream of State Route 38	•974
Maps available for inspection at the Bloomington Village Hall, 62 Main Street, Bloomington, Ohio.	
Fayette County (Unincorporated Areas) (FEMA Docket No. D-7528)	
<i>East Fork Paint Creek:</i>	
Approximately 300 feet upstream of confluence with Paint Creek	•954
Approximately 0.90 mile upstream of Greene Road	•1,026
<i>Rattlesnake Creek:</i>	
At Milledgeville-Octa Road ...	•1,038
Approximately 130 feet upstream of State Route 734	•1,058
<i>Sugar Creek:</i>	
Approximately 150 feet downstream of Parrott Station Road	•1,026