

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Dallas (Case No. 03-06-435P).	City of Carrollton	October 24, 2003, October 31, 2003, <i>Northwest Morning News</i> .	The Honorable Mark Stokes, Mayor, City of Carrollton, 1945 E. Jackson Road, Carrollton, TX 75006.	Oct. 7, 2003 .....	480167
Dallas (Case No. 02-06-2440P).	City of Cedar Hill	October 17, 2003, October 24, 2003, <i>Dallas Morning News</i> .	The Honorable Robert Franke, Mayor, City of Cedar Hill, P.O. Box 96, Cedar Hill, TX 75106.	Jan. 23, 2004 .....	480168
Denton (Case No. 03-06-1926P).	Town of Flower Mound.	October 29, 2003, November 5, 2003, <i>Flower Mound Leader</i> .	The Honorable Lori DeLuca, Mayor, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Oct. 15, 2003 .....	480777
Tarrant (Case No. 02-06-2311P).	City of Fort Worth.	October 21, 2003, October 28, 2003 <i>The Star Telegram</i> .	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102-6311.	Oct. 9, 2003 .....	480596
Tarrant (Case No. 03-06-1376P).	City of Fort Worth.	October 22, 2003, October 29, 2003, <i>The Star Telegram</i> .	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102-6311.	Oct. 7, 2003 .....	480596
Denton (Case No. 03-06-435P).	City of Hebron ...	October 22, 2003, October 29, 2003, <i>The Carrollton Leader</i> .	The Honorable Kelly Clem, Mayor, Town of Hebron, 4216 Charles Street, Carrollton, TX 75010.	Oct. 7, 2003 .....	481495
Tarrant (Case No. 03-06-444P).	City of North Richland Hills.	October 22, 2003, October 29, 2003 <i>The North East Tarrant County Morning News</i> .	The Honorable T. Oscar Trevino, Jr., Mayor, City of North Richland Hills, 7301 North East Loop 820, North Richland Hills, TX 76180.	Oct. 7, 2003 .....	480607
Collin (Case No. 03-06-407P).	City of Plano .....	October 29, 2003, November 5, 2003 <i>Plano Star Courier</i> .	The Honorable Pat Evans, Mayor, City of Plano, P.O. Box 860358, Plano, TX 75086-0358.	Feb. 4, 2004 .....	480140
Hays (Case No. 02-06-1681P).	City of San Marcos.	October 17, 2003, October 24, 2003, <i>San Marcos Daily Record</i> .	The Honorable Robert Habingreither, Mayor, City of San Marcos, 630 East Hopkins, San Marcos, TX 78666.	Sept. 30, 2003 .....	485505

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

Dated: December 9, 2003.

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

[FR Doc. 03-30991 Filed 12-15-03; 8:45 am]

**BILLING CODE 6718-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

#### Final Flood Elevation Determinations

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

**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations and modified Base Flood Elevations (BFEs) are made final

for the communities listed below. The BFEs 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 DATE:** 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 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:** Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management

Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below of BFEs and 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. 4105, and 44 CFR Part 67.

The Federal Emergency Management 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 modified base flood elevations are required by the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4105, 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 record keeping 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:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) modified ◆Elevation in feet (NAVD) modified
AR .....	Cherokee Village (City) Sharp and Fulton Counties (FEMA Docket No. P7627).	Big Otter Creek .....	At confluence with South Fork Spring River.	*386
			Approximately 0.25 miles downstream of the primary Spillway of Lake Thunderbird.	*393
		Big Otter Creek Tributary .....	Approximately 74.0 feet upstream of confluence with Big Otter Creek.	*485
			Approximately 400 feet downstream of the dam at Lake Navajo.	*561
		Little Otter Creek .....	Approximately 0.8 mile upstream of the primary spillway of Lake Sequoyah.	*484
			Approximately 600 feet upstream of Lakeshore Drive.	*493
		Short Draft Branch .....	Approximately 1.7 miles upstream of South Fork Spring River.	*509
			Approximately 0.1 mile downstream of the primary spillway of Lake Chanute.	*516
	South Fork Spring River .....	Just downstream of Griffin Road .....	*371	
		Approximately 5700 feet upstream of Cherokee Road.	*410	

Maps are available for inspection at the City of Cherokee Village, 2 Santee Drive, Cherokee Village, Arkansas.

Dated: December 9, 2003.  
(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

**Anthony S. Lowe,**  
*Mitigation Division Director, Emergency Preparedness and Response Directorate.*  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 223**

[Docket 020626160-3217-04; I.D. 070203F]

RIN 0648-AQ13

**Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule and technical correction.

**SUMMARY:** NMFS is issuing a final rule to prohibit fishing with drift gillnets in the California/Oregon (CA/OR) thresher shark/swordfish drift gillnet fishery in U.S. waters off southern California in waters east of the 120°W., for the months of June, July, and August, when the Assistant Administrator for Fisheries (AA) publishes a notice that El Nino conditions are forecasted or present off southern California. NMFS