

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Fayette County, Tennessee, and Incorporated Areas</b>				
Wolf River Unnamed Tributary 1 (Controlled by Wolf River).	Approximately 1,600 feet upstream of the confluence with Wolf River.	None	+300	City of Piperton, Unincorporated Areas of Fayette County.
	Approximately 5,170 feet upstream of the confluence with Wolf River.	None	+300	
Wolf River Unnamed Tributary 2 (Controlled by Wolf River).	Approximately 2,750 feet upstream of the confluence with Wolf River.	None	+300	Unincorporated Areas of Fayette County.
	Approximately 4,300 feet upstream of the confluence with Wolf River.	None	+300	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

#### ADDRESSES

##### City of Piperton

Maps are available for inspection at 3575 Highway 196, Piperton, TN 38017.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

##### Unincorporated Areas of Fayette County

Maps are available for inspection at 16265 Highway 64, Suite 4, Somerville, TN 38068.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance."

Dated: October 9, 2007.

##### David I. Maurstad,

*Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E7-20357 Filed 10-15-07; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-B-7741]

#### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1 percent annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood

elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

**DATES:** Comments are to be submitted on or before January 14, 2008.

**ADDRESSES:** The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA-B-7741, to William R. Blanton, Jr., Chief, Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Chief, Engineering Management Section, Mitigation Directorate, Federal

Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs 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 BFEs and modified BFEs, 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.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered.

A letter acknowledging receipt of any comments will not be sent.

*Administrative Procedure Act Statement.* This matter is not a rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and do not fall under the APA.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental

impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

*Executive Order 12866, Regulatory Planning and Review.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

*Executive Order 13132, Federalism.* This proposed rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This proposed rule meets the applicable standards of Executive Order 12988.

**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:

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Orange County, New York, and Incorporated Areas</b>				
Black Meadow Creek .....	At confluence with Otter Kill .....	+378	+377	Town of Goshen.
	Approximately 800 feet upstream of confluence with Otter Kill.	+378	+377	
Cold Brook .....	Approximately 300 feet downstream of Beach Road ..	+439	+435	Town of Deer Park, City of Port Jervis.
	At confluence with Neversink River .....	+438	+435	
Delaware River .....	At County boundary .....	+425	+426	Town of Deer Park, City of Port Jervis.
	Approximately 645 feet upstream of Rail Road .....	+469	+470	
Monhagen Brook .....	Approximately 0.4 mile downstream of Abe Isseks Drive.	None	+465	City of Middletown, Town of Walkkill, Town of Wawayanda.
	Approximately 1,200 feet upstream of Mt. Hope Road	None	+606	
Moodna Creek .....	Approximately 1,100 feet downstream of spillway at Towns of Blooming Grove and Cornwall corporate limits.	+259	+260	Town of Blooming Grove, Town of Cornwall, Village of Washingtonville.
	At the confluence with Otter Kill and Cromline Creek	+321	+319	
Neversink River .....	At the confluence with Delaware River .....	+425	+430	City of Port Jervis, Town of Deer Park.
	Approximately 275 feet upstream of Paradise Road ...	+645	+649	
Otter Kill .....	Approximately 1.2 miles upstream of Sora Wells Trail	+366	+365	Town of Goshen.
	Approximately 1.4 miles upstream of State Route 17	None	+470	
Tributary 12 .....	At the confluence with Otter Kill .....	+368	+365	Town of Goshen.
	Approximately 150 feet upstream of Craigville Road ..	+397	+395	
Perry Creek .....	At the confluence with Moodna Creek .....	None	+306	Town of Blooming Grove, Village of Washingtonville.
	Approximately 500 feet upstream of Clove Road .....	None	+537	
Pine Tree Brook .....	At confluence with Ramapo River Reach 2 .....	+580	+582	Village of Monroe.
	Approximately 1,020 feet upstream of confluence with Ramapo River Reach 2.	+581	+582	
Quaker Creek .....	Approximately 100 feet upstream of confluence with Browns Creek.	+399	+398	Village of Florida.
	Approximately 150 feet upstream of Roosevelt Avenue.	None	+456	
Ramapo River Reach 2 .....	Approximately 2,150 feet downstream of Arden House Road.	None	+518	Village of Harriman, Town of Monroe, Town of Woodbury, Village of Monroe.
	Approximately 1.4 miles upstream of Reynolds Road	None	+838	
Tributary 1 .....	At confluence with Ramapo River Reach 2 .....	+522	+519	Village of Harriman, Town of Woodbury.
	Approximately 1,100 feet upstream of Meadow Avenue.	+522	+519	

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 26 .....	At confluence with Ramapo River Reach 2 .....	+579	+581	Village of Monroe.
	Approximately 800 feet upstream of confluence with Ramapo River Reach 2.	+580	+581	
Rio Grande .....	Approximately 300 feet downstream of State Route 17.	+411	+412	Town of Goshen, Village of Goshen.
	Approximately 650 feet upstream of Greenwich Avenue.	+433	+430	
Tributary 4 .....	At the confluence with Rio Grande .....	None	+427	Village of Goshen.
	Approximately 2,160 feet upstream of Scotchtown Road.	None	+440	
Satterly Creek .....	At the confluence with Moodna Creek .....	+314	+312	Town of Blooming Grove, Village of Washingtonville.
	At the confluence of Satterly Creek Tributary #5 .....	+344	+346	
South Tributary to Wawayanda Creek.	At the confluence with Wawayanda Creek .....	+519	+521	Town of Warwick, Village of Warwick.
	Approximately 2 miles upstream of Galloway Road ....	None	+778	
Wallkill River Tributary 6 .....	At the confluence with Wallkill River .....	None	+331	Town of Montgomery.
	Approximately 1,800 feet upstream of State Route 17	None	+392	
Wawayanda Creek .....	Approximately 2,500 feet downstream of Howe Street	+506	+507	Village of Warwick, Town of Warwick.
	Approximately 0.9 mile upstream of Forester Avenue	+521	+522	
Woodbury Creek .....	At Creamery Hill Road .....	+250	+251	Town of Cornwall, Town of Woodbury.
	Approximately 1,190 feet upstream of Estrada Road ..	None	+487	
Tributary 11 .....	At the confluence with Woodbury Creek .....	None	+487	Town of Woodbury.
	Approximately 2,700 feet upstream of Dunderburg Road.	None	+772	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and includes BFEs located on the stream reach between the two listed herein. Please check the Flood Insurance Rate Map (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### COMMUNITY NAME

##### City of Middletown

Maps are available for inspection at Middletown City Hall, 16 James Street, Middletown, NY.

##### City of Port Jervis

Maps are available for inspection at Port Jervis City Municipal Building, 14–20 Hammond Street, Port Jervis, NY.

##### Town of Blooming Grove

Maps are available for inspection at Blooming Grove Town Hall, 6 Horton Road, Blooming Grove, NY.

##### Town of Cornwall

Maps are available for inspection at Cornwall Town Hall, 183 Main Street, Cornwall, NY.

##### Town of Deer Park

Maps are available for inspection at Deer Park Town Building Inspector's Office, 420 Route 209, Huguenot, NY.

##### Town of Goshen

Maps are available for inspection at Goshen Town Hall, 41 Webster Street, NY.

##### Town of Monroe

Maps are available for inspection at Monroe Town Building Department, 11 Stage Road, Monroe, NY.

##### Town of Montgomery

Maps are available for inspection at Montgomery Town Hall, 110 Bracken Road, Montgomery, NY.

##### Town of Wallkill

Maps are available for inspection at Wallkill Town Hall, 99 Tower Drive, Middletown, NY.

##### Town of Warwick

Maps are available for inspection at Warwick Town Municipal Building, 132 Kings Highway, Warwick, NY.

##### Town of Wawayanda

Maps are available for inspection at Wawayanda Town Hall, 80 Ridgeberry Hill Road, Slate Hill, NY.

##### Town of Woodbury

Maps are available for inspection at Highlands Town Hall, 511 Route 32, Highland Mills, NY.

##### Village of Florida

Maps are available for inspection at Florida Village Hall, 33 South Main Street, Florida, NY.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Village of Goshen</b>				
Maps are available for inspection at Goshen Village Hall, 276 Main Street, Goshen, NY.				
<b>Village of Harriman</b>				
Maps are available for inspection at Harriman Village Hall, 1 Church Street, Harriman, NY.				
<b>Village of Monroe</b>				
Maps are available for inspection at Monroe Village Hall, 7 Stage Road, Monroe, NY.				
<b>Village of Warwick</b>				
Maps are available for inspection at Village Hall, 77 Main Street, Warwick, NY.				
<b>Village of Washingtonville</b>				
Maps are available for inspection at Washingtonville Village Hall, 29 West Main Street, Washingtonville, NY.				

[Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance."]

Dated: October 10, 2007.

**David I. Maurstad,**

*Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. E7-20388 Filed 10-15-07; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AU83**

**Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Monterey Spineflower (*Chorizanthe pungens* var. *pungens*)**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period, notice of availability of draft economic analysis, and amended Required Determinations.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the reopening of the comment period on the proposed revised designation of critical habitat for the Monterey Spineflower (*Chorizanthe pungens* var. *pungens*) under the Endangered Species Act of 1973, as amended (Act). We also announce the availability of the draft economic analysis of the proposed revised critical habitat designation and amended Required Determinations for the proposal. The draft economic analysis for *Chorizanthe pungens* var. *pungens* forecasts future costs associated with conservation efforts for *Chorizanthe pungens* var. *pungens* of approximately \$17 million

(undiscounted) over a 20-year period as a result of the proposed revised designation of critical habitat, including those costs coextensive with listing and recovery. Discounted future costs are estimated to be approximately \$13 million (\$0.85 million annualized) at a 3 percent discount rate or approximately \$9.6 million (\$0.85 million annualized) at a 7 percent discount rate. The amended Required Determinations section provides our determination concerning compliance with applicable statutes and Executive Orders that we have deferred until the information from the draft economic analysis of this proposal was available. We are reopening the comment period to allow all interested parties an opportunity to comment simultaneously on the proposed rule, the associated draft economic analysis, and the amended Required Determinations section. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this comment period and will be fully considered in preparation of the final rule.

**DATES:** We will accept public comments until October 31, 2007.

**ADDRESSES:** If you wish to comment, you may submit your comments and materials by any one of several methods:

1. By mail or hand-delivery to: Diane Noda, Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003.
2. By electronic mail (e-mail) to: [fw8mosp@fws.gov](mailto:fw8mosp@fws.gov). Please see the Public Comments Solicited section below for other information about electronic filing.
3. By fax to: the attention of Diane Steeck at 805-644-3958.
4. Via the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow

the instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Diane Steeck, Ecologist, or Connie Rutherford, Listing and Recovery Coordinator, Ventura Fish and Wildlife Office, at the address listed in **ADDRESSES** (telephone 805-644-1766; facsimile 805-644-3958). If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:**

**Public Comments Solicited**

We will accept written comments and information during this reopened comment period on the proposed revised critical habitat designation for *Chorizanthe pungens* var. *pungens* published in the **Federal Register** on December 14, 2006 (71 FR 75189), and our draft economic analysis of the proposed revised designation. We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The reasons why we should or should not designate habitat as "critical habitat" under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation would outweigh threats to the species caused by the designation, such that the designation of critical habitat is prudent.

(2) Specific information on:

- The amount and distribution of *Chorizanthe pungens* var. *pungens* habitat,
- What areas occupied at the time of listing and that contain features essential to the conservation of the species we should include in the designation and why, and
- What areas not occupied at the time of listing are essential to the conservation of the species and why.