

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

Dated: May 14, 2009.

Deborah S. Ingram,

Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9-12108 Filed 5-22-09; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1049]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% 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 August 24, 2009.

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-1049, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) bill.blanton@dhs.gov.

FOR FURTHER INFORMATION CONTACT:

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) bill.blanton@dhs.gov.

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.

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 ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Greene County, Alabama, and Incorporated Areas				
Boligee Canal	Approximately 1,372 feet downstream of County Road 81.	None	+117	City of Boligee.
	Approximately 193 feet upstream of County Road 81	None	+117	
Tombigbee River	Approximately 2.97 miles upstream of I-20	None	+117	City of Boligee.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

* National Geodetic Vertical Datum.
 + North American Vertical Datum.
 # Depth in feet above ground.
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

City of Boligee

Maps are available for inspection at 8 City Hall Circle, Boligee, AL 35443.

Mesa County, Colorado, and Incorporated Areas

Gold Star Canyon	Just above the confluence with Colorado River	None	+4518	Unincorporated Areas of Mesa County, City of Grand Junction.
Kannah Creek	Just upstream of South Broadway	None	+4805	Unincorporated Areas of Mesa County.
	Just above the confluence with Indian Creek	None	+4766	
Kannah Creek Lower Split Flow.	Approximately 320 feet upstream of Upper Kannah Creek Road.	None	+6093	Unincorporated Areas of Mesa County.
	Just above confluence with Kannah Creek	None	+4806	
Kannah Creek Upper Split Flow.	Just below divergence from Kannah Creek	None	+4826	Unincorporated Areas of Mesa County.
	Just above confluence with Kannah Creek	None	+4894	
Red Canyon	Just below divergence from Kannah Creek	None	+4935	Unincorporated Areas of Mesa County, City of Grand Junction.
	Just above confluence with Colorado River	None	+4546	
	Approximately 5,670 feet above South Camp Road ...	None	+5020	

* National Geodetic Vertical Datum.
 + North American Vertical Datum.
 # Depth in feet above ground.
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

City of Grand Junction

Maps are available for inspection at 250 North 5th Street, Grand Junction, CO 81501.

Unincorporated Areas of Mesa County

Maps are available for inspection at 544 Rood Avenue, Grand Junction, CO 81502.

Willow Creek	At Confluence with Blue River	+8681	+8682	Town of Silverthorne, Unincorporated Areas of Summit County.
	Approximately 1,235 feet upstream of Ruby Road	+8873	+8874	

* National Geodetic Vertical Datum.
 + North American Vertical Datum.
 # Depth in feet above ground.
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

Town of Silverthorne

Maps are available for inspection at 601 Center Circle, Silverthorne, CO 80493.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Unincorporated Areas of Summit County

Maps are available for inspection at 208 East Lincoln, Breckenridge, CO 80424-0068.

Cobb County, Georgia, and Incorporated Areas

Chattahoochee River	Above Morgan Falls Dam	+851	+854	Unincorporated Areas of Cobb County.
	Approximately 1,000 feet downstream from confluence of Willeo Creek.	+861	+862	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

Unincorporated Areas of Cobb County

Maps are available for inspection at 100 Cherokee Street, Marietta, GA 30090.

Fulton County, Georgia, and Incorporated Areas

Autry Mill Creek	Backwater from Chattahoochee River	*891	*889	City of Johns Creek. Unincorporated Areas of Fulton County, City of Johns Creek, City of Roswell, City of Sandy Springs.
Chattahoochee River	Upstream of Morgan Falls Dam	*857	*854	
Johns Creek	Just downstream of McGinnis Ferry Road	None	*907	City of Johns Creek.
	At confluence with Chattahoochee River	*891	*890	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

City of Johns Creek

Maps are available for inspection at 1200 Findley Road, Suite 400, Johns Creek, GA 30097.

City of Roswell

Maps are available for inspection at 38 Hill Street, Roswell, GA 30075.

City of Sandy Springs

Maps are available for inspection at 7840 Roswell Road, Sandy Springs, GA 30350.

Unincorporated Areas of Fulton County

Maps are available for inspection at 141 Pryor Street, Suite 10044, Atlanta, GA 30303.

Chattahoochee River	Just upstream of McGinnis Ferry Road	+911	+908	Unincorporated Areas of Forsyth County.
	Just downstream of Buford Dam	+920	+921	
Dick Creek	At confluence with Chattahoochee River	+913	+909	Unincorporated Areas of Forsyth County.
James Creek	At confluence with Chattahoochee River	+918	+916	

* National Geodetic Vertical Datum.

Depth in feet above ground.

+ North American Vertical Datum.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

**BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

Unincorporated Areas of Forsyth County

Maps are available for inspection at 110 East Main Street, Cumming, GA 30040.

Gwinnett County, Georgia, and Incorporated Areas

Brushy Creek	At confluence with Chattahoochee River	+909	+906	Unincorporated Areas of Gwinnett County.
Chattahoochee River	Just above Holcomb Bridge Road	+885	+884	City of Sugar Hill, City of Berkeley Lake, City of Duluth, City of Suwanee, Unincorporated Areas of Gwinnett County.
	Approximately 4,000 feet downstream from Buford Dam.	+919	+920	
Level Creek	At confluence with Chattahoochee River	+914	+911	Unincorporated Areas of Gwinnett County.
Mill Creek (Stream 6)	At confluence with Chattahoochee River	+898	+895	City of Berkeley Lake, Unincorporated Areas of Gwinnett County.
Richland Creek	At confluence with Chattahoochee River	+918	+917	Unincorporated Areas of Gwinnett County.
Rogers Creek	At confluence with Chattahoochee River	+902	+899	City of Duluth, Unincorporated Areas of Gwinnett County.
Stream 1	At confluence with Chattahoochee River	+887	+886	Unincorporated Areas of Gwinnett County.
Stream 10	At confluence with Chattahoochee River	+907	+903	Unincorporated Areas of Gwinnett County.
Stream 2	At confluence with Chattahoochee River	+888	+887	Unincorporated Areas of Gwinnett County.
Stream 3	At confluence with Chattahoochee River	+891	+889	Unincorporated Areas of Gwinnett County.
Stream 4	At confluence with Chattahoochee River	+893	+891	Unincorporated Areas of Gwinnett County.
Stream 5	At confluence with Chattahoochee River	+897	+894	Unincorporated Areas of Gwinnett County.
Stream 8	At confluence with Chattahoochee River	+900	+897	City of Duluth, Unincorporated Areas of Gwinnett County.
Suwanee Creek	At confluence with Chattahoochee River	+908	+905	Unincorporated Areas of Gwinnett County.
Swilling Creek	At confluence with Chattahoochee River	+899	+896	City of Duluth, Unincorporated Areas of Gwinnett County.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

**BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

City of Berkeley Lake

Maps are available for inspection at 4040 South Berkeley Road, Northwest, Berkeley Lake, GA 30096.

City of Duluth

Maps are available for inspection at 3167 Main Street, 2nd Floor, Duluth, GA.

City of Sugar Hill

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Maps are available for inspection at 4988 West Broad Street, Sugar Hill, GA 30518.

City of Suwanee

Maps are available for inspection at 373 Highway 23, Suwanee, GA 30024.

Unincorporated Areas of Gwinnett County

Maps are available for inspection at 75 Langley Drive, Lawrenceville, GA 30045.

Lafourche Parish, Louisiana, and Incorporated Areas

Gulf of Mexico	From the west at the Terrebonne Parish border along the shoreline of the Gulf of Mexico to the south. To the east border of Jefferson Parish and St. Charles Parish and to the northern border of St. James Parish and St. John the Baptist Parish.	+2-12	+2-18	Unincorporated Areas of Lafourche Parish, City of Raceland, City of Thibodaux, Town of Golden Meadow, Town of Lockport.
----------------------	---	-------	-------	---

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

City of Raceland

Maps are available for inspection at P.O. Box 5548, Thibodaux, LA 70302.

City of Thibodaux

Maps are available for inspection at P.O. Box 5418, Thibodaux, LA 70302.

Town of Golden Meadow

Maps are available for inspection at P.O. Box 307, Golden Meadow, LA 70357.

Town of Lockport

Maps are available for inspection at 710 Church Street, Lockport, LA 70374.

Unincorporated Areas of Lafourche Parish

Maps are available for inspection at 402 Green Street, Thibodaux, LA 70302.

Rolette County, North Dakota, and Incorporated Areas

Ox Creek	501 feet upstream of Belcourt Southern Corporate Limit.	None	+1903	Chippewa Indian Reservation, Turtle Mountain Band.
Ox Creek Breakout	27 feet downstream of Belcourt Lake	None	+2015	
	100 feet upstream of 99th Street NE	None	+1971	Chippewa Indian Reservation, Turtle Mountain Band.
	2,154 feet upstream of 99th Street NE	None	+1972	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

Chippewa Indian Reservation, Turtle Mountain Band

Maps are available for inspection at Highway 5 West, Belcourt, ND 58316.

Lucas County, Ohio, and Incorporated Areas

Barnum Ditch	Just above the confluence with Tift Ditch	None	+617	City of Toledo.
	Approximately 350 feet downstream of Willis Boulevard.	None	+626	

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Blue Creek	Approximately 1,100 feet upstream of Finzel Road	+641	+640	Village of Whitehouse, Unincorporated Areas of Lucas County.
Blystone Ditch	Downstream side of Fulton Lucas Road	None	+665	Village of Waterville, Unincorporated Areas of Lucas County.
	Upstream side of Dutch Road	+645	+644	
Comstock Ditch	Downstream side of Bluebird Train Railroad	None	+659	Unincorporated Areas of Lucas County.
	Upstream side of Brint Road	None	+675	
Crane Creek	Downstream side of Mitchaw Road	None	+679	Unincorporated Areas of Lucas County.
	Approximately 0.6 mile downstream of Nissen Road ..	None	+579	
Deline Ditch	Approximately 2,000 feet upstream of Ofper Lentz Road.	None	+584	City of Toledo
	At the confluence with Heldman Ditch (East)	+601	+606	
Deline Ditch Overflow	Downstream side of Hill Avenue	+627	+629	City of Toledo.
	At the confluence with Deline Ditch	None	+614	
Dennis Ditch	Just below the divergence from Deline Ditch	None	+625	City of Toledo.
	At the confluence with Heldman Ditch (East)	+597	+604	
Detwiler Ditch	Approximately 875 feet upstream of South Avenue ...	+624	+623	City of Toledo.
	Upstream side of Summit Street	None	+578	
Disher Ditch	Approximately 0.56 mile upstream of I-280	None	+578	Village of Whitehouse, Unincorporated Areas of Lucas County.
	Upstream side of Rupp Road	+641	+640	
Disher Ditch Overflow	Downstream side of Berkey Southern Highway	None	+657	Village of Whitehouse.
	At the confluence with Blue Creek	None	+640	
Duck Creek	Downstream side of Heller Road	None	+653	City of Oregon, City of Toledo.
	At mouth at Maumee Bay	None	+578	
Eisenbraum Ditch	Downstream side of Consaul Street	None	578	City of Toledo.
	Approximately 175 feet downstream of Elsie Avenue	+619	+618	
Good Ditch	Downstream side of West Alexis Highway	+650	+651	Village of Holland.
	South of Angola Road near Holland Park Boulevard ..	None	+633	
Haefner Ditch	South of Angola Road approximately 60 feet west of Holland Park Boulevard.	None	+633	City of Toledo, Unincorporated Areas of Lucas County.
	At the confluence with Hill Ditch	+597	+604	
Heldman Ditch (East)	Downstream side of I-475	+637	+638	City of Toledo, Unincorporated Areas of Lucas County, Village of Ottawa Hills.
	Downstream side of Edgevale Road	None	+594	
Heldman Ditch (West)	Downstream side of West Bancroft Street	+666	+665	Unincorporated Areas of Lucas County.
	At the confluence with Prairie Ditch	+669	+668	
Hill Ditch	Downstream side of North Crissey Road	+669	+668	City of Toledo, Unincorporated Areas of Lucas County.
	At the confluence with Heldman Ditch (East)	+597	+604	
Jamieson Ditch	Just below the confluence with Smith	+640	+639	City of Toledo.
	At the confluence with Silver Creek	+592	+595	
Ketcham Ditch	Downstream side of Lewis Avenue	+601	+600	City of Toledo.
	Approximately 700 feet downstream of Jackman Road.	+607	+609	
Lone Oak Ditch	Downstream side of Adella Street	+618	+619	Village of Whitehouse, Unincorporated Areas of Lucas County.
	Upstream side of Winslow Road	None	+644	
Maumee Bay	Approximately 70 feet downstream of Berkey Southern Highway.	None	+657	City of Oregon, City of Toledo.
	West of the mouth of Driftmeyer Ditch	+579	+578	
Maumee River	At the northern boundary of Lucas County	+579	+578	City of Toledo.
	At mouth at Maumee Bay	+579	+578	
	Upstream side of Norfolk Southern Railroad	+579	+578	

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Mayer Ditch	Downstream side of I-475	None	+636	Unincorporated Areas of Lucas County.
McPeak Ditch	Approximately 475 feet downstream of Dorr Street	None	+639	City of Sylvania.
	Approximately 100 feet above the confluence with Tenmile Creek.	+647	+646	
Mud Creek	Approximately 1,300 feet upstream of Winding Way ...	+667	+668	City of Toledo.
	At the confluence with Detwiler Creek	None	+578	
North Branch Ketcham Ditch	Downstream side of Hoffman Road	None	+578	City of Toledo.
	Downstream side of Douglas Road	None	+620	
Ottawa River	Approximately 650 feet upstream of Secor Road	None	+631	City of Oregon, City of Toledo.
	Approximately 0.91 mile downstream of Summit Street.	+579	+578	
Otter Creek	Downstream side of CSX Transportation Railroad	+579	+578	City of Toledo.
	Downstream side of Corduroy Road	None	+578	
	At mouth at Maumee Bay	+579	+578	
	Upstream side of CSX Transportation Railroad	None	+589	
	Approximately 350 feet upstream of CSX Transportation Railroad.	None	+589	
Peterson Ditch	Upstream side of CSX Transportation Railroad	None	+590	City of Toledo.
	Approximately 475 feet downstream of Dover Place ...	None	+590	
	Upstream side of Haughton Drive	+613	+614	
Potter Ditch	Approximately 100 feet upstream of Goddard Road ...	+614	+615	City of Toledo, Unincorporated Areas of Lucas County.
	At the confluence with Heldman Ditch (East)	+634	+635	
Schmitz Ditch	Downstream side of Derbyshire Road	+634	+635	Village of Berkey.
	At the confluence with Tenmile Creek	None	+694	
Schneider Ditch	Downstream side of Lathrop Road	None	+707	City of Toledo.
	Just above the confluence with Williams Ditch	+619	+621	
Shantee Creek	Downstream side of Hill Avenue	+620	+621	City of Toledo, Unincorporated Areas of Lucas County.
	At the confluence with Silver Creek	+582	+583	
Shantee Creek Overflow Channel 1.	Approximately 225 feet upstream of Tremainsville Road.	+614	+612	City of Toledo.
	Approximately 1,100 feet downstream of Summit Street.	+579	+578	
	Approximately 300 feet downstream of Hagman Road	+579	+578	
Shantee Creek Overflow Channel 2.	Approximately 175 feet upstream of Lewis Avenue	None	+599	City of Toledo.
	Just below the divergence from Shantee Creek	None	+611	
Sharp Ditch	At the confluence with Shantee Creek	None	+599	City of Toledo.
	Approximately 100 feet downstream of Jackman Road.	None	+609	
Silver Creek	Upstream side of Brint Road	None	+679	Unincorporated Areas of Lucas County.
	Approximately 1.0 mile upstream of Brint Road	None	+683	Unincorporated Areas of Lucas County, City of Toledo.
Smith Ditch South	Upstream side of CN North America Railroad	+579	+578	
	Approximately 100 feet upstream of Woodview Drive	None	+639	Unincorporated Areas of Lucas County.
At the confluence with Hill Ditch	+640	+639		
South Branch Silver Creek ...	Approximately 200 feet upstream of Wimbledon Park Boulevard.	+660	+661	City of Toledo.
	At the confluence with Silver Creek	None	+628	
Tenmile Creek	Approximately 1,150 feet upstream of Rambo Lane ...	None	+633	Village of Berkey, Unincorporated Areas of Lucas County.
	Upstream side of Herr Road	+669	+668	
Tiff Ditch	Downstream side of North Fulton Lucas Road	None	+708	City of Toledo, Unincorporated Areas of Lucas County.
	Approximately 225 feet upstream of Tremainsville Road.	+614	+612	
Vanderpool Ditch	Approximately 300 feet upstream of Talmadge Road	+633	+634	Unincorporated Areas of Lucas County.
	Downstream side of McCord Road	+642	+644	

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Williams Ditch	Approximately 375 feet downstream of King Road	+657	+656	City of Toledo.
	Upstream side of Norfolk Southern Railroad	+613	+614	
	Approximately 175 feet downstream of Hill Avenue	+619	+621	City of Toledo.
Wing Ditch	Just above confluence with Silver Creek	None	+633	
	Approximately 75 feet downstream of Merle Street	None	+637	

*National Geodetic Vertical Datum.

+North American Vertical Datum.

#Depth in feet above ground.

^Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

City of Oregon

Maps are available for inspection at 5330 Seaman Road, Oregon, OH 43616.

City of Sylvania

Maps are available for inspection at 6730 Monroe Street, Suite 101, Sylvania, OH 43560.

City of Toledo

Maps are available for inspection at One Government Center, Suite 1600, Toledo, OH 43604.

Unincorporated Areas of Lucas County

Maps are available for inspection at 1115 South McCord Road, Holland, OH 43528.

Village of Berkey

Maps are available for inspection at 12360 Sylvania-Metamora Road, Berkey, OH 45304.

Village of Holland

Maps are available for inspection at 1245 Clarion Avenue, Holland, OH 43528.

Village of Ottawa Hills

Maps are available for inspection at 2125 Richards Road, Toledo, OH 43606.

Village of Waterville

Maps are available for inspection at 25 North Second Street, Waterville, OH 43566.

Village of Whitehouse

Maps are available for inspection at 6925 Providence Street, Whitehouse, OH 43571.

Ottawa County, Oklahoma, and Incorporated Areas

Belmont Run	Approximately 1,317 feet upstream of 30th Avenue	None	+803	City of Miami, Town of North Miami, Unincorporated Areas of Ottawa County.
Fairgrounds Branch	Approximately 1,288 feet upstream of Newman Road	None	+805	Unincorporated Areas of Ottawa County.
	Approximately 700 feet upstream of E Street	None	+774	
Neosho River	Approximately 0.58 miles upstream of E Street	None	+774	Unincorporated Areas of Ottawa County.
	Just upstream of E Street	None	+775	
Warren Branch	Approximately 0.93 miles upstream from State Highway 69.	None	+776	Town of Peoria, Unincorporated Areas of Ottawa County.
	Approximately 434 feet upstream of Main Street	None	+869	
Wyandotte Ditch	Approximately 1,826 feet upstream of Modoe Street ..	None	+885	Town of Wyandotte.
	Approximately 1,320 feet downstream of Main Street	+756	+757	
	Approximately 904 feet upstream of South 650 Road	+780	+789	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

ADDRESSES

City of Miami

Maps are available for inspection at the Civic Center, 129 5th Street, Northwest, Miami, OK 74354.

Town of North Miami

Maps are available for inspection at the Ottawa County Courthouse, 102 East Central Avenue, Suite 202, Miami, OK 74354.

Town of Peoria

Maps are available for inspection at the Ottawa County Courthouse, 102 East Central Avenue, Suite 202, Miami, OK 74354.

Town of Wyandotte

Maps are available for inspection at City Hall, 14 North Main Street, Wyandotte, OK 74370.

Unincorporated Areas of Ottawa County

Maps are available for inspection at the Ottawa County Courthouse, 102 East Central Avenue, Suite 202, Miami, OK 74354.

Umatilla County, Oregon, and Incorporated Areas

Iskuupla Creek	At confluence with Umatilla River	None	+1690	Umatilla Indian Reservation.
Iskuupla Creek left bank split	Approximately 1.0 mile upstream from Bingham Road	None	+1779	Umatilla Indian Reservation.
	Approximately 3,000 feet west along Bingham Road from Iskuupla Creek.	None	+1682	
Meacham Creek	At divergence from Iskuupla Creek	None	+1707	Umatilla Indian Reservation.
	At confluence with Umatilla River	None	+1762	
Umatilla River	Just downstream of Meacham Creek Road Bridge and Railroad Bridge.	None	+1819	City of Pendleton, Umatilla Indian Reservation, Unincorporated Areas of Umatilla County.
	Just upstream of State Highway 11 Bridge	+1106	+1111	
Walla-Walla River	Approximately 700 feet downstream of confluence of Ryan Creek.	None	+1908	City of Milton-Freewater, Unincorporated Areas of Umatilla County.
	At SE 17th Avenue	None	#1	
Wildhorse Creek	At NE 15th Avenue	None	#1	Unincorporated Areas of Umatilla County.
	At Range line 32E/33E	None	+1142	
	At Township line 2N/3N	None	+1154	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

City of Milton-Freewater

Maps are available for inspection at 722 South Main Street, Milton-Freewater, OR 97862.

City of Pendleton

Maps are available for inspection at 500 Southwest Dorion Avenue, Pendleton, OR 97801.

Umatilla Indian Reservation

Maps are available for inspection at 73239 Confederated Way, Pendleton, OR 97801.

Unincorporated Areas of Umatilla County

Maps are available for inspection at 216 Southeast 4th Street, Pendleton, OR 97801.

Spartanburg County, South Carolina, and Incorporated Areas

Jimmys Creek (North)	Approximately 125 feet downstream of Tucapau Road	None	+779	City of Wellford.
Little Buck Creek	Approximately 2,190 feet upstream of Tucapau Road	None	+789	City of Chesnee.
	Approximately 750 feet downstream of Richland Street.	None	+809	
Little Buck Creek Tributary 1	Approximately 280 feet upstream of Cherokee Street	None	+841	City of Chesnee.
	Confluence with Little Buck Creek	None	+815	

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Pacolet River Tributary 1	Approximately 1,100 feet upstream of the confluence with Little Buck Creek.	None	+851	Town of Cowpens.
	Approximately 1,350 feet downstream of Church Street.	None	+731	
	Approximately 290 feet upstream of Church Street	None	+765	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

City of Chesnee

Maps are available for inspection at 201 West Cherokee Street, Chesnee, SC 29323.

City of Wellford

Maps are available for inspection at 127 Syphrit Road, Wellford, SC 29385.

Town of Cowpens

Maps are available for inspection at 530 North Main Street, Cowpens, SC 29330.

Sanborn County, South Dakota, and Incorporated Areas

James River	Approximately 2,133 feet downstream of 243rd Street	None	+1226	Unincorporated Areas of Sanborn County.
	Approximately 1,162 feet upstream of 221st Street	None	+1237	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

ADDRESSES

Unincorporated Areas of Sanborn County

Maps are available for inspection at 604 West 6th Street, Woonsocket, SD 57385.

Val Verde County, Texas, and Incorporated Areas

Calveras Creek	Confluence with San Felipe Creek	None	+924	Unincorporated Areas of Val Verde County.
	Approximately 0.6 miles upstream of Gilberto Road ...	None	+1015	
Cantu Branch	Just upstream of Dodson Avenue	None	+1035	Unincorporated Areas of Val Verde County.
	Approximately 1,222 feet upstream from Grace Drive	None	+1046	
San Felipe Creek	Just upstream of Gilchrist Lane	None	+911	Unincorporated Areas of Val Verde County.
	Just upstream of River Road	None	+929	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

ADDRESSES

Unincorporated Areas of Val Verde County

Maps are available for inspection at the Del Rio City Hall, 109 West Broadway Street, Del Rio, TX 78840.

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

Dated: May 14, 2009.

Deborah S. Ingram,

Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9-12101 Filed 5-22-09; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1047]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% 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 August 24, 2009.

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-1047, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) bill.blanton@dhs.gov.

FOR FURTHER INFORMATION CONTACT:

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) bill.blanton@dhs.gov.

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.

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: