

**§ 3 Applicability and scope.**

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(b) \* \* \*

(5) Southeastern Alaska—Makhnati Island Area: Land and waters beginning at the southern point of Fruit Island, 57°02'35" north latitude, 135°21'07" west longitude as shown on United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941; from the point of beginning, by metes and bounds; S. 58° W., 2,500 feet, to the southern point of Nepovorotni Rocks; S. 83° W., 5,600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island; N. 6° W., 4,200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island; N. 24° E., 3,000 feet, to a point, 57°03'15" north latitude, 134°23'07" west longitude; East, 2,900 feet, to a point in course No. 45 in meanders of U.S. Survey No. 1496, on west side of Japonski Island; southeasterly, with the meanders of Japonski Island, U.S. Survey No. 1496 to angle point No. 35, on the southwestern point of Japonski Island; S. 60° E., 3,300 feet, along the boundary line of Naval reservation described in Executive Order No. 8216, July 25, 1939, to the point beginning, and that part of Sitka Bay lying south of Japonski Island and west of the main channel, but not including Aleutski Island as revoked in Public Land Order 925, October 27, 1953, described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of U.S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence S. 45° E. along the main channel approximately 20.00 chains; thence S. 45° W. approximately 9.00 chains to the southeastern point of Aleutski Island; thence S. 79° W. approximately 40.00 chains to the southern point of Fruit Island; thence N. 60° W. approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of U.S. Survey No 1496; thence easterly with the meanders of Japonski Island to the point of beginning including Charcoal, Harbor, Alice, Love, Fruit islands and a number of smaller unnamed islands.

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Dated: July 2, 2009.

**Ken Salazar,***Secretary of the Interior, Department of the Interior.*

Dated: June 1, 2009.

**Dennis E. Bschor,***Regional Forester, USDA-Forest Service.*

[FR Doc. E9-17052 Filed 7-16-09; 8:45 am]

**BILLING CODE 3410-11-P, 4310-55-P****DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 67****[Docket ID FEMA-2008-0020]****Final Flood Elevation Determinations****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Final rule.

**SUMMARY:** Base (1% annual chance) Flood Elevations (BFEs) and modified 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).

**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 in 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:** William R. Blanton Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (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 Assistant Administrator of the Mitigation 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. FEMA 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 final 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.

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

*Executive Order 12988, Civil Justice Reform.* This final 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 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:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
<b>Brown County, Illinois, and Incorporated Areas</b> <b>Docket No.: FEMA-B1007</b>			
Illinois River .....	From the limit of flooding affecting community at river mile 71.3 in Pike County; 0.7 mile downstream of the Pike/Brown County border at approximately State Hwy 104. To the Schuyler/Morgan County border at River Mile 83.8; approximately the mouth of the La Moine River.	+448  +450	Unincorporated Areas of Brown County.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**Unincorporated Areas of Brown County**

Maps are available for inspection at the Brown County Courthouse, 200 West Court Street, Mt. Sterling, IL 62353.

<b>Hancock County, Illinois, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1012</b>			
Mississippi River .....	From the Hancock/Adams County boundary at River Mile 347.4; approximately 4 miles upstream of Lock and Dam No. 20.  To the Hancock/Henderson county boundary at River Mile 390.85, approximately Oak Street in Dallas City.	+494  +529	Unincorporated Areas of Hancock County, City of Dallas City, City of Hamilton, City of Nauvoo, City of Warsaw, Village of Pontoosuc.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.

**ADDRESSES**

**City of Dallas City**

Maps are available for inspection at 261 Oak Street, P.O. Box 454, Dallas City, IL 62330.

**City of Hamilton**

Maps are available for inspection at Hamilton City Hall, 1010 Broadway Street, Hamilton, IL 62341.

**City of Nauvoo**

Maps are available for inspection at 60 North Bluff Street, P.O. Box 85, Nauvoo, IL 62354.

**City of Warsaw**

Maps are available for inspection at 210 North Fourth Street, P.O. Box 12, Warsaw, IL 62379.

**Unincorporated Areas of Hancock County**

Maps are available for inspection at 500 Main Street, P.O. Box 444, Carthage, IL 62321.

**Village of Pontoosuc**

Maps are available for inspection at Pontoosuc Village Hall, 200 Mustard Street, Pontoosuc, IL 62368.

<b>Hancock County, Mississippi, and Incorporated Areas</b> <b>Docket No.: FEMA-B-7756</b>			
Bayou Coco .....	Approximately 300 feet upstream of Sam Farve Road .....	+17	Unincorporated Areas of Hancock County.
Bayou Coco Tributary 1 .....	Just downstream of Cuevas Road .....	+38	Unincorporated Areas of Hancock County.
	At the confluence with Bayou Coco .....	+26	
Bayou La Terre .....	Approximately 6,500 feet upstream of the confluence with Bayou Coco.	+55	Unincorporated Areas of Hancock County.
	Approximately 3,100 feet upstream of Kiln Delisle Road ...	+17	
Bayou Lasalle .....	Approximately 8,976 feet upstream of Kiln Delisle Road ...	+21	Unincorporated Areas of Hancock County.
	Approximately 2,000 feet upstream of Kiln Delisle Road ...	+17	
Bayou Talla .....	Approximately 2,100 feet downstream of confluence with Bayou LaSalle Tributary 1.	+21	Unincorporated Areas of Hancock County.
	Approximately 1,300 feet downstream of confluence with Bayou Talla Tributary 3.	+17	
Bayou Talla Tributary 3 .....	Just downstream of Kiln Picayune Road .....	+25	Unincorporated Areas of Hancock County.
	At the confluence with Bayou Talla .....	+19	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 2,300 feet upstream of the confluence with Bayou Talla.	+28	
Catahoula Creek .....	At the confluence with Jourdan River .....	+18	Unincorporated Areas of Hancock County.
	Approximately 3,100 feet downstream of Mitchell Road ....	+47	
Dead Tiger Creek .....	At the confluence with Catahoula Creek .....	+27	Unincorporated Areas of Hancock County.
	Just downstream of Flat Top Road .....	+34	
Hickory Creek .....	At the confluence with Catahoula Creek .....	+45	Unincorporated Areas of Hancock County.
	Approximately 450 feet downstream of the confluence with Crane Pond Branch.	+50	
Hickory Creek Tributary 1 .....	Approximately 2,500 feet upstream of the confluence with Hickory Creek.	+81	Unincorporated Areas of Hancock County.
	Approximately 7,500 feet upstream of the confluence with Hickory Creek.	+113	
Jourdan River .....	Approximately 10,560 feet downstream of confluence with Bayou Bacon.	+16	Unincorporated Areas of Hancock County.
	At the confluence with Bayou Bacon .....	+18	
Mississippi Sound/Gulf of Mexico.	Near the intersection of Beach Boulevard and Lafitte Drive.	+18	Unincorporated Areas of Hancock County, City of Bay St. Louis, City of Waveland.
	Near the intersection of Hancock Street and St. Charles Street.	+27	
Pearl River/Mississippi Sound ..	Just west of the intersection of State Highway 607 and Old Highway 43.	+12	Unincorporated Areas of Hancock County.
	South of La France Road at railroad along coastline .....	+25	
St. Louis Bay/Bayou La Croix/ Bayou Philip/Jourdan River.	Approximately 15,840 feet east of intersection of Interstate 10 and State Highway 607.	+9	Unincorporated Areas of Hancock County, City of Bay St. Louis, City of Waveland.
	Eastern county boundary south of Interstate 10 .....	+26	
Stall Branch .....	At the confluence with Dead Tiger Creek .....	+30	Unincorporated Areas of Hancock County.
	Approximately 14,600 feet upstream of the confluence with Dead Tiger Creek.	+42	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****City of Bay St. Louis**

Maps are available for inspection at the Courthouse, 688 Highway 90, Bay St. Louis, MS 39520.

**City of Waveland**

Maps are available for inspection at the Permit Department, 335 Coleman Avenue, Building 5, Waveland, MS 39576.

**Unincorporated Areas of Hancock County**

Maps are available for inspection at the Building Department, 3068 Longfellow Drive, Building 6, Bay St. Louis, MS 39520.

**Halifax County, Virginia and Incorporated Areas****Docket No.: FEMA-B-1009**

Reedy Creek .....	Approximately 1,400 feet downstream of Ash Avenue .....	+331	Unincorporated Areas of Halifax County.
	At confluence with Dan River .....	+331	
Rocky Branch .....	At confluence with Reedy Creek .....	+331	Unincorporated Areas of Halifax County.
	Approximately 0.4 mile upstream of Eastover Road .....	+346	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

**ADDRESSES****Unincorporated Areas of Halifax County**

Maps are available for inspection at the Halifax County GIS Department, 134 South Main Street, Halifax, Virginia.

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

Dated: June 29, 2009.

**Deborah S. Ingram,**

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

[FR Doc. E9-17108 Filed 7-16-09; 8:45 am]

**BILLING CODE 1505-01-D**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 0812171612-9134-02]

RIN 0648-XQ35

#### Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific sardine off the coast of Washington, Oregon and California. This action is necessary because the directed harvest allocation total for the second seasonal period (July 1–September 14) is projected to be reached by the effective date of the rule. From the effective date of this rule until September 15, 2009, Pacific sardine can only be harvested as part of the live bait fishery or incidental to other fisheries; the incidental harvest of Pacific sardine is limited to 20-percent by weight of all fish per trip. Fishing vessels must be at shore and in the process of offloading at 12:01 am Pacific Daylight Time on date of closure.

**DATES:** Effective 12:01 am Pacific Daylight Time (PDT) July 18, 2009, through September 14, 2009.

**FOR FURTHER INFORMATION CONTACT:** Joshua Lindsay, Southwest Region, NMFS, (562) 980-4034.

**SUPPLEMENTARY INFORMATION:** This notice announces that based on the best available information recently obtained from the fishery, the directed fishing harvest allocation for the second allocation period (July 1–September 14) will be reached and therefore directed fishing for Pacific sardine is now closed until September 15, 2009. Fishing vessels must be at shore and in the process of offloading at the time of closure. From 12:01 am on the date of

closure until September 15, 2009, Pacific sardine may be harvested only incidental to other fisheries, with the incidental harvest of Pacific sardine limited to 20-percent by weight of all fish caught during a trip.

NMFS manages the Pacific sardine fishery in the U.S. exclusive economic zone (EEZ) off the Pacific coast (California, Oregon, and Washington) in accordance with the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). Annual specifications published in the **Federal Register** establish the harvest guideline (HG) and allowable harvest levels for each Pacific sardine fishing season (January 1–December 31). The acceptable biological catch (ABC) or maximum HG for the 2009 Pacific sardine fishing season (January 1, 2009–December 31, 2009) is 66,932 mt and was divided into a directed harvest fishery of 58,032 mt, an incidental fishery of 6,500 mt and an exempted fishing permit set-aside of 2,400 mt. The directed and incidental harvest amounts were subdivided throughout the year in the following way: January 1–June 30, 22,006 mt was allocated for directed harvest with an incidental set-aside of 1,000 mt; July 1–September 14, 24,543 mt plus any portion not harvested from the initial allocation was allocated for directed harvest with an incidental set-aside of 1,000 mt; September 15–December 31, 11,483 mt plus any portion not harvested from earlier allocations was allocated for directed harvest with an incidental set-aside of 4,500 mt. See, 74 FR 7826 (February 20, 2009) as adjusted by 74 FR 31199 (June 30, 2009).

If during any of the seasonal allocation periods the applicable adjusted directed harvest allocation is projected to be taken, only incidental harvest is allowed and, for the remainder of the period, any incidental Pacific sardine landings will be counted against that period's incidental set aside. In the event that an incidental set-aside is projected to be attained, all fisheries will be closed to the retention of Pacific sardine for the remainder of the period via appropriate rulemaking.

Under 50 CFR 660.509 if the total HG or these apportionment levels for Pacific sardine are reached at any time, NMFS is required to close the Pacific sardine fishery via appropriate rulemaking and it is to remain closed until it re-opens either per the allocation scheme or the beginning of the next fishing season. In accordance with § 660.509 the Regional Administrator shall publish a notice in the **Federal Register** the date of the closure of the directed fishery for Pacific sardine.

The above in-season harvest restrictions are not intended to affect the prosecution the live bait portion of the Pacific sardine fishery.

#### Classification

This action is required by 50 CFR 660.509 and is exempt from Office of Management and Budget review under Executive Order 12866.

NMFS finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) for the closure of the July 1–September 14 directed harvest of Pacific sardine. For the reasons set forth below, notice and comment procedures are impracticable and contrary to the public interest. For the same reasons, NMFS also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for this action. This measure responds to the best available information and is necessary for the conservation and management of the Pacific sardine resource. A delay in effectiveness would cause the fishery to exceed the in-season harvest level. These seasonal harvest levels are important mechanisms in preventing overfishing and managing the fishery at optimum yield. The established directed and incidental harvest allocations are designed to allow fair and equitable opportunity to the resource by all sectors of the Pacific sardine fishery and to allow access to other profitable CPS fisheries, such as squid and Pacific mackerel. Many of the same fishermen who harvest Pacific sardine rely on these other fisheries for a significant portion of their income.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 15, 2009

**Kristen C. Koch,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E9-17186 Filed 7-15-09; 4:15 pm]

**BILLING CODE 3510-22-S**