

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
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Maps are available for inspection at the Township Hall, 121 Woodstown Road, Woolwich, NJ 08085.

**Waupaca County, Wisconsin, and Incorporated Areas  
Docket No.: FEMA-B-1021**

Little Wolf River/Big Falls Pond	0.33 mile downstream of bridge at County Highway G .....	+879	Village of Big Falls, Unincorporated Areas of Waupaca County.
Waupaca River/Weyauwega Lake.	1.1 miles upstream of bridge at County Highway G ..... 2.65 miles upstream of confluence with Wolf River .....	+910 +756	City of Waupaca, City of Weyauwega, Unincorporated Areas of Waupaca County.
Wolf River .....	390 feet upstream of bridge at Anderson Road ..... Southern Waupaca County boundary .....	+893 +753	Village of Fremont, Unincorporated Areas of Waupaca County.
	3.58 miles downstream of bridge at County Highway X ....	+756	

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

**ADDRESSES**

**City of Waupaca**

Maps are available for inspection at 111 South Main Street, Waupaca, WI 54981.

**City of Weyauwega**

Maps are available for inspection at 109 East Main Street, Weyauwega, WI 54983.

**Unincorporated Areas of Waupaca County**

Maps are available for inspection at 811 Harding Street, Waupaca, WI 54981.

**Village of Big Falls**

Maps are available for inspection at 220 Main Street, Big Falls, WI 54926.

**Village of Fremont**

Maps are available for inspection at 317 Wolf River Drive, Fremont, WI 54940.

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

**Deborah S. Ingram,**

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

[FR Doc. E9-28310 Filed 11-24-09; 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]

**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 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:** Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C

Street, SW., Washington, DC 20472, (202) 646-2820.

**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 for Mitigation 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>Merrick County, Nebraska, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1010</b>			
Platte River .....	Approximately 0.50 mile downstream of Union Pacific Railroad. Approximately 0.68 miles upstream of State Highway 14 ..	+1,685 +1,711	Unincorporated Areas of Merrick County.

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

**ADDRESSES**

**Unincorporated Areas of Merrick County**

Maps are available for inspection at 1510 18th Street, Central City, NE 68826.

<b>Thurston County, Nebraska, and Incorporated Areas</b> <b>Docket No.: FEMA-B1012</b>			
Logan Creek .....	Approximately 2.20 miles downstream of State Highway 94.	+1,318	Unincorporated Areas of Thurston County, Omaha Indian Tribe.
Middle Creek .....	Approximately 1.65 miles upstream of State Highway 94 ..	+1,332	Unincorporated Areas of Thurston County, Village of Emerson, Winnebago Indian Tribe.
	Approximately 0.81 mile downstream of Avenue B .....	+1,405	
Unnamed Tributary to Logan Creek.	Approximately 0.27 mile upstream of County Road 15 .....	+1,425	Unincorporated Areas of Thurston County, Omaha Indian Tribe.
	Approximately 0.75 mile upstream of State Highway 9 .....	+1,333	
Unnamed Tributary to Middle Creek.	Approximately 0.30 mile upstream of State Highway 9 .....	+1,347	Village of Emerson, Winnebago Indian Tribe.
	Approximately 530 feet downstream of Lagan Street .....	+1,419	
	Approximately 750 feet upstream of 1st Street .....	+1,441	

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

**ADDRESSES**

**Omaha Indian Tribe**

Maps are available for inspection at 100 Main Street, Macy, NE 68039.

**Unincorporated Areas of Thurston County**

Maps are available for inspection at 106 South 5th Street, Pender, NE 68047.

**Village of Emerson**

Maps are available for inspection at 211 West Front Street, Emerson, NE 68733.

**Winnebago Indian Tribe**

Maps are available for inspection at 100 Buff Street, Winnebago, NE 68071.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
<b>Buncombe County, North Carolina and Incorporated Areas Docket No.: FEMA-D-7826 and FEMA-B-7795</b>			
Avery Creek .....	Approximately 0.5 mile upstream of the confluence with the French Broad River.	+2,051	Unincorporated Areas of Buncombe County.
Beaverdam Creek (into French Broad River) Tributary 1.	Approximately 0.5 mile upstream of Misty Valley Parkway	+2,100	Unincorporated Areas of Buncombe County, Town of Woodfin.
	Approximately 900 feet upstream of Hillcrest Road .....	+2,107	
Beaverdam Creek (into South Hominy Creek).	Approximately 340 feet upstream of Baird Cove Road (State Road 2088).	+2,348	Unincorporated Areas of Buncombe County.
	At the confluence with South Hominy Creek .....	+2,107	
Beaverdam Creek (into South Hominy Creek) Tributary.	Approximately 50 feet downstream of Wise Road (State Road 3467).	+2,270	Unincorporated Areas of Buncombe County.
	At the confluence with Beaverdam Creek (into South Hominy Creek).	+2,214	
Bee Branch .....	Approximately 0.6 mile upstream of the confluence with Beaverdam Creek (into South Hominy Creek).	+2,250	Unincorporated Areas of Buncombe County.
	At the confluence with Willow Creek .....	+2,281	
Beetree Creek .....	Approximately 50 feet upstream of Bee Branch Road .....	+2,418	Unincorporated Areas of Buncombe County.
	At the confluence with Swannanoa River .....	+2,148	
Bent Creek .....	Approximately 0.9 mile upstream of Bee Tree Road (State Road 2428).	+2,682	Unincorporated Areas of Buncombe County.
	Approximately 0.4 mile upstream of the confluence with French Broad River.	+2,019	
Bill Moore Creek .....	Approximately 0.6 mile upstream of Blue Ridge Parkway	+2,031	Unincorporated Areas of Buncombe County, City of Asheville.
	Approximately 900 feet upstream of the confluence with Hominy Creek.	+2,069	
Broad River .....	Approximately 110 feet upstream of Reeves Cove Road (State Road 3439).	+2,160	Unincorporated Areas of Buncombe County.
	The Buncombe/Henderson county boundary .....	+1,719	
Brush Creek .....	Approximately 0.3 mile upstream of NC Highway 9 .....	+2,592	Unincorporated Areas of Buncombe County.
	At the confluence with Cane Creek .....	+2,164	
Bull Creek .....	Approximately 220 feet upstream of Dotson Cove Road ...	+2,511	Unincorporated Areas of Buncombe County.
	At the confluence with Swannanoa River .....	+2,109	
Camp Branch .....	Approximately 1,260 feet upstream of the confluence with the Swannanoa River.	+2,109	Town of Black Mountain.
	At the confluence with Swannanoa River .....	+2,315	
Cane Creek .....	Approximately 660 feet upstream of Camp Branch Road ..	+2,526	Unincorporated Areas of Buncombe County, City of Asheville.
	Approximately 0.5 mile upstream of the confluence with the French Broad River.	+2,061	
Cane Creek (into Hominy Creek).	Approximately 1,510 feet upstream of the confluence with Garren Creek.	+2,309	City of Asheville.
	Approximately 0.3 mile upstream of the confluence with Hominy Creek.	+2,009	
Curtis Creek .....	Approximately 1,490 feet upstream of Sand Hill Road .....	+2,011	Unincorporated Areas of Buncombe County.
	At the confluence with South Hominy Creek .....	+2,244	
Dick Branch .....	Approximately 20 feet upstream of Curtis Creek Road (State Road 1113).	+2,383	Unincorporated Areas of Buncombe County.
	At the confluence with Flat Creek (into French Broad River).	+1,940	
Dillingham Creek .....	Approximately 240 feet upstream of Flat Creek Church Road (State Road 1764).	+1,962	Unincorporated Areas of Buncombe County.
	Just upstream of Dillingham Road (State Road 2173) .....	+2,273	
	Approximately 40 feet upstream of Dillingham Road (State Road 2173).	+2,545	

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Dingle Creek .....	Approximately 0.2 mile upstream of the confluence with French Broad River.	+2,008	Unincorporated Areas of Buncombe County, City of Asheville.
Dix Creek .....	Approximately 1,660 feet upstream of Ballantree Drive ..... At the confluence with Newfound Creek .....	+2,631 +1,929	Unincorporated Areas of Buncombe County.
Eller Cove .....	Approximately 900 feet upstream of Old Leicester Highway (State Road 1002). At the confluence with Reems Creek .....	+2,026 +2,078	Town of Weaverville.
Emma Branch .....	Approximately 40 feet upstream of Eller Hollow Road (State Road 2104). Approximately 300 feet upstream of the confluence with Smith Mill Creek.	+2,172 +1,977	Unincorporated Areas of Buncombe County, City of Asheville.
Emma Branch Tributary 2 .....	Approximately 0.7 mile upstream of Eliada Home Road .... At the confluence with Emma Branch .....	+2,299 +2,069	City of Asheville.
Flat Creek .....	Approximately 0.5 mile upstream of Brickyard Road ..... At the confluence with Broad River .....	+2,309 +1,946	Unincorporated Areas of Buncombe County.
Flat Creek (into French Broad River).	Approximately 1.1 miles upstream of the confluence with the Broad River. At NC Highway 251 .....	+2,066 +1,770	Unincorporated Areas of Buncombe County.
Flat Creek (into Swannanoa River).	Approximately 1,870 feet upstream of Chambers Road .... At the confluence with Swannanoa River .....	+2,205 +2,360	Town of Black Mountain, Town of Montreat.
Flat Creek (into Swannanoa River) Tributary 1.	Just downstream of Kentucky Road .....	+2,686	Town of Black Mountain.
Fourmile Branch .....	At the confluence with Flat Creek (into Swannanoa River)	+2,379	
French Broad River Tributary 149.	Approximately 830 feet upstream of NC Highway 9 ..... Approximately 2,000 feet upstream of the confluence with French Broad River.	+2,458 +2,002	Unincorporated Areas of Buncombe County, City of Asheville, Town of Biltmore Forest.
Gap Creek .....	Approximately 90 feet downstream of US Highway 25 ..... At the confluence with French Broad River .....	+2,193 +2,046	Unincorporated Areas of Buncombe County.
Garren Creek .....	Approximately 1,420 feet upstream of River Glen Drive .... At the confluence with Cane Creek .....	+2,192 +2,163	Unincorporated Areas of Buncombe County.
Gashes Creek .....	Approximately 210 feet upstream of Windsong Drive ..... At the confluence with Cane Creek .....	+2,359 +2,294	Unincorporated Areas of Buncombe County.
George Branch .....	Approximately 250 feet upstream of Bleeker Lane ..... At the confluence with Swannanoa River .....	+2,382 +2,023	Unincorporated Areas of Buncombe County, City of Asheville.
Gill Branch .....	Approximately 1,680 feet upstream of US Highway 74 ..... At the confluence with Hominy Creek .....	+2,225 +2,178	Unincorporated Areas of Buncombe County.
Gladly Fork .....	Approximately 400 feet upstream of Curtis Farm Road (State Road 1101). Approximately 50 feet upstream of the confluence with Reems Creek.	+2,208 +1,966	Town of Weaverville.
Gouches Branch .....	Approximately 100 feet upstream of Weaver Boulevard (State Road 1725). At the confluence with South Hominy Creek .....	+2,111 +2,292	Unincorporated Areas of Buncombe County.
Grassy Branch .....	Approximately 250 feet upstream of Bleeker Lane ..... At the confluence with Swannanoa River .....	+2,382 +2,023	Unincorporated Areas of Buncombe County, City of Asheville.
Gouches Branch .....	Approximately 1,360 feet upstream of Black Oak Cove Road (State Road 3464). Approximately 1,000 feet upstream of the confluence with Newfound Creek.	+2,362 +1,977	Unincorporated Areas of Buncombe County.
Gouches Branch .....	Approximately 480 feet upstream of Gouches Branch Road (State Road 1377). At the confluence with Swannanoa River .....	+2,012 +2,057	Unincorporated Areas of Buncombe County, City of Asheville.

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Gregg Branch .....	Approximately 0.4 mile upstream of Upper Grassy Branch Road (State Road 2400).	+2,229	
	Approximately 25 feet upstream of the confluence with Beetree Creek.	+2,243	Unincorporated Areas of Buncombe County.
	Approximately 1,080 feet upstream of Old Bee Tree Road (State Road 2418).	+2,304	
Haw Creek .....	At the confluence with Swannanoa River .....	+2,010	City of Asheville.
	Approximately 1,800 feet upstream of the confluence with the Swannanoa River.	+2,013	
Herron Cove Branch .....	Approximately 50 feet upstream of the confluence with Reems Creek.	+2,032	Town of Weaverville.
	Approximately 230 feet upstream of Fontana Drive .....	+2,086	
Hogeye Branch .....	At the confluence with Sandy Mush Creek .....	+2,184	Unincorporated Areas of Buncombe County.
	Approximately 0.6 mile upstream of Hogeye Road (State Road 1393).	+2,314	
Hominy Creek .....	Just upstream of Morgan Cove Road (State Road 1141) ..	+2,178	Unincorporated Areas of Buncombe County.
	Approximately 150 feet upstream of the Buncombe/Haywood County boundary.	+2,252	
Hominy Creek Tributary 21 .....	Approximately 100 feet upstream of the confluence with Hominy Creek.	+2,099	Unincorporated Areas of Buncombe County.
	Approximately 1,520 feet upstream of Lindsey Road (State Road 1128).	+2,107	
Hominy Creek Tributary 25 .....	Approximately 75 feet upstream of the confluence with Hominy Creek.	+2,152	Unincorporated Areas of Buncombe County.
	Approximately 780 feet upstream of North Morgan Branch Road (State Road 1140).	+2,191	
Ivy Creek .....	At the Buncombe/Madison County boundary .....	+1,908	Unincorporated Areas of Buncombe County.
	Approximately 550 feet upstream of NC Highway 197 .....	+2,111	
Killian Branch .....	Approximately 250 feet upstream of the confluence with Beaverdam Creek (into French Broad River).	+2,120	City of Asheville.
	Approximately 1.0 mile upstream of Inglewood Road .....	+2,288	
Lee Creek .....	Approximately 320 feet upstream of the confluence with French Broad River.	+1,890	Unincorporated Areas of Buncombe County.
	Approximately 0.5 mile upstream of Roberts Road (State Road 1314).	+2,362	
Little Piney Branch .....	At the confluence with Flat Creek (into Swannanoa River)	+2,558	Town of Montreat.
	Approximately 1,810 feet upstream of Harmony Road Extension.	+3,351	
Long Branch (into Beetree Creek).	At the confluence with Beetree Creek .....	+2,299	Unincorporated Areas of Buncombe County.
	Approximately 0.5 mile upstream of Long Branch Road (State Road 2429).	+3,083	
Long Branch (into Sandy Mush Creek).	At the confluence with Sandy Mush Creek .....	+2,397	Unincorporated Areas of Buncombe County.
	Approximately 90 feet upstream of Boyd Cove Road (State Road 1398).	+2,530	
Maney Branch .....	At the confluence with Reems Creek .....	+2,395	Unincorporated Areas of Buncombe County.
	Approximately 220 feet upstream of Beech Spring Drive ..	+2,460	
Martin Branch .....	At the confluence with Turkey Creek .....	+1,976	Unincorporated Areas of Buncombe County.
	Approximately 1,250 feet upstream of Martin Branch Road (State Road 1610).	+2,018	
Martin Creek .....	At the confluence with North Fork Ivy Creek .....	+2,378	Unincorporated Areas of Buncombe County.
	Approximately 1,460 feet upstream of Martins Creek Road (State Road 2027).	+2,506	
McKinnish Branch .....	At the confluence with Smith Mill Creek .....	+2,105	Unincorporated Areas of Buncombe County, City of Asheville.
	Approximately 150 feet upstream of McKinnish Cove Road (State Road 1320).	+2,195	
Moore Creek .....	Just upstream of Monte Vista Road (State Road 1224) ....	+2,202	Unincorporated Areas of Buncombe County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Morgan Branch (into Ivy Creek)	Approximately 0.5 mile upstream of Holcombe Cove Road (State Road 1236). At the confluence with Ivy Creek .....	+2,380 +2,059	Unincorporated Areas of Buncombe County.
Morgan Branch (into South Hominy Creek).	Approximately 770 feet upstream of Arrowood Road (State Road 2155). At the confluence with South Hominy Creek .....	+2,072 +2,235	Unincorporated Areas of Buncombe County.
Newfound Creek .....	Approximately 830 feet upstream of Blackfoot Trail ..... Approximately 75 feet upstream of the confluence with French Broad River.	+2,276 +1,876	Unincorporated Areas of Buncombe County.
Newfound Creek Tributary 17 ..	Approximately 90 feet upstream of Newfound Road (State Road 1104). At the confluence with Newfound Creek .....	+2,388 +1,955	Unincorporated Areas of Buncombe County.
Newfound Creek Tributary 26 ..	Approximately 330 feet upstream of Sunview Drive ..... Approximately 400 feet upstream of the confluence with Newfound Creek. Approximately 620 feet upstream of Old Newfound Road (State Road 1378).	+1,958 +2,012 +2,023	Unincorporated Areas of Buncombe County.
North Fork Ivy Creek .....	Approximately 50 feet upstream of the confluence with Dillingham Creek and Ivy Creek. Approximately 100 feet downstream of Burleson Branch Road (State Road 2079).	+2,186 +2,533	Unincorporated Areas of Buncombe County.
North Fork Swannanoa River ...	At the confluence with Swannanoa River .....	+2,231 +2,762	Unincorporated Areas of Buncombe County, Town of Black Mountain.
North Turkey Creek .....	Approximately 3.0 miles upstream of North Fork Right Fork Road (State Road 2476). At the confluence with South Turkey Creek and Turkey Creek.	+2,027 +2,234	Unincorporated Areas of Buncombe County.
Ox Creek .....	Approximately 0.7 mile upstream of Bryant Lane ..... At the confluence with Reems Creek .....	+2,182 +2,420	Unincorporated Areas of Buncombe County.
Ox Creek Tributary 1 .....	Approximately 30 feet upstream of Ox Creek Road (State Road 2109). At the confluence with Ox Creek .....	+2,382 +2,402	Unincorporated Areas of Buncombe County.
Parker Branch .....	Approximately 620 feet upstream of the confluence with Ox Creek. At the confluence with Newfound Creek .....	+1,939 +1,944	Unincorporated Areas of Buncombe County.
Pole Creek .....	Approximately 1,150 feet upstream of the confluence with Newfound Creek. Just upstream of Dogwood Road (State Road 1220) .....	+2,100 +2,301	Unincorporated Areas of Buncombe County, City of Asheville.
Potato Branch .....	Approximately 270 feet upstream of Milksick Cove Road (State Road 1215). At the confluence with South Turkey Creek .....	+2,318 +2,335	Unincorporated Areas of Buncombe County.
Poverty Branch .....	Approximately 940 feet upstream of the confluence with South Turkey Creek. At the confluence with North Fork Ivy Creek .....	+2,210 +2,293	Unincorporated Areas of Buncombe County.
Puncheon Branch .....	Approximately 0.9 mile upstream of the confluence with North Fork Ivy Creek. At the confluence with Flat Creek (into Swannanoa River)	+2,617 +3,296	Town of Montreat.
Ragsdale Creek .....	Approximately 1,350 feet upstream of Oklahoma Road ..... Approximately 0.8 mile upstream of Sand Hill Road (State Road 3412).	+2,064 +2,397	Unincorporated Areas of Buncombe County, City of Asheville.
Reed Creek .....	Approximately 40 feet upstream of Willow Pond Lane ..... At Murdock Avenue .....	+2,087 +2,219	City of Asheville.
Reed Creek Tributary 2 .....	Approximately 360 feet downstream of Grovewood Road Approximately 320 feet upstream of the confluence with Reed Creek. Approximately 280 feet upstream of Broadway Street .....	+2,010 +2,017	City of Asheville.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Reed Creek Tributary 6 .....	Approximately 225 feet upstream of the confluence with Reed Creek.	+2,088	City of Asheville.
Reems Creek .....	Approximately 140 feet upstream of Hillside Street .....	+2,141	Unincorporated Areas of Buncombe County, Town of Weaverville.
	At NC Highway 251 .....	+1,799	
Reeves Creek .....	Approximately 90 feet downstream of Blackberry Inn Road (State Road 2115).	+2,526	Unincorporated Areas of Buncombe County.
	At the confluence with Reems Creek .....	+2,262	
Robinson Creek .....	Approximately 0.4 mile upstream of Lula Cove Road .....	+2,392	Unincorporated Areas of Buncombe County.
	At the confluence with Cane Creek .....	+2,094	
Rock Creek .....	Approximately 170 feet upstream of Concord Road (State Road 3150).	+2,264	Unincorporated Areas of Buncombe County.
	At the confluence with Broad River .....	+2,089	
Ross Creek .....	Approximately 1,230 feet upstream of Press Owenby Drive.	+2,582	City of Asheville.
	At the confluence with Swannanoa River .....	+2,004	
Round Hill Branch .....	Approximately 20 feet downstream of Vance Gap Road ...	+2,347	Unincorporated Areas of Buncombe County.
Sams Branch .....	Approximately 500 feet upstream of the confluence with Newfound Creek.	+2,046	
Sams Branch .....	Approximately 860 feet upstream of Green Valley Road (State Road 1383).	+2,138	Unincorporated Areas of Buncombe County.
	At the confluence with South Hominy Creek .....	+2,375	
Sandymush Creek .....	Approximately 1,220 feet upstream of Falling Brook Drive	+2,549	Unincorporated Areas of Buncombe County.
Saw Branch .....	Approximately 400 feet upstream of the confluence with French Broad River.	+1,728	
Saw Branch .....	Approximately 840 feet upstream of Garrett Cove Road (State Road 1392).	+2,635	Unincorporated Areas of Buncombe County.
Sluder Branch .....	At the confluence with South Hominy Creek .....	+2,412	
Sluder Branch .....	Approximately 1,350 feet upstream of the confluence with South Hominy Creek.	+2,476	Unincorporated Areas of Buncombe County.
Smith Mill Creek .....	At the confluence with Newfound Creek .....	+1,964	
Smith Mill Creek .....	Approximately 1,580 feet upstream of Branchview Drive ...	+2,002	Unincorporated Areas of Buncombe County, City of Asheville.
South Hominy Creek .....	Approximately 950 feet upstream of the confluence with French Broad River.	+1,977	
South Hominy Creek .....	Approximately 0.4 mile upstream of Johnston School Road (State Road 1319).	+2,201	Unincorporated Areas of Buncombe County.
South Hominy Creek Tributary 2.	Approximately 220 feet upstream of the confluence with Hominy Creek.	+2,102	
South Hominy Creek Tributary 2.	Approximately 400 feet upstream of Davis Creek Road (State Road 1103).	+2,560	Unincorporated Areas of Buncombe County.
South Turkey Creek .....	At the confluence with South Hominy Creek .....	+2,150	
South Turkey Creek .....	Approximately 40 feet upstream of Bailey Road (State Road 3452).	+2,181	Unincorporated Areas of Buncombe County.
Stanfield Branch .....	At the confluence with North Turkey Creek and Turkey Creek.	+2,027	
Stanfield Branch .....	Approximately 10 feet downstream of South Turkey Creek Road (State Road 1384).	+2,346	Unincorporated Areas of Buncombe County.
Stanfield Branch Tributary 2 .....	At the confluence with Dick Branch .....	+1,952	
Stony Fork .....	Approximately 50 feet upstream of the confluence of Stanfield Branch Tributary 2.	+2,083	Unincorporated Areas of Buncombe County.
Stony Fork .....	At the confluence with Stanfield Branch .....	+2,081	
Stony Fork .....	Approximately 1,620 feet upstream of the confluence with Stanfield Branch.	+2,127	Unincorporated Areas of Buncombe County.
	At the confluence with South Hominy Creek .....	+2,312	
	Approximately 50 feet upstream of NC Highway 151 .....	+2,613	

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Sugar Cove .....	At the confluence with Reems Creek .....	+2,299	Unincorporated Areas of Buncombe County.
	Approximately 540 feet upstream of Sugar Cove Road (State Road 2114).	+2,435	
Sugar Creek .....	At the confluence with Sandy Mush Creek .....	+2,162	Unincorporated Areas of Buncombe County.
	Approximately 140 feet upstream of the confluence of Andys Branch.	+2,247	
Swannanoa River .....	Approximately 1,000 feet upstream of the confluence with French Broad River.	+1,991	Unincorporated Areas of Buncombe County, City of Asheville, Town of Biltmore Forest, Town of Black Mountain.
	Approximately 1,680 feet upstream of Dunsmore Avenue (State Road 2531).	+2,518	
Swannanoa River Tributary 24	At the confluence with Swannanoa River .....	+2,182	Unincorporated Areas of Buncombe County.
	Approximately 0.8 mile upstream of Patton Hill Road .....	+2,403	
Swannanoa River Tributary 26	At the confluence with Swannanoa River .....	+2,198	Unincorporated Areas of Buncombe County.
	Approximately 110 feet upstream of Druid Hill Road (State Road 2445).	+2,456	
Swannanoa River Tributary 28	At the confluence with Swannanoa River .....	+2,206	Unincorporated Areas of Buncombe County.
	Approximately 0.8 mile upstream of the confluence of Swannanoa River Tributary of Tributary 28.	+2,447	
Swannanoa River Tributary 33	At the confluence with Swannanoa River .....	+2,242	Unincorporated Areas of Buncombe County, Town of Black Mountain.
	Approximately 40 feet downstream of Wagon Trail .....	+2,331	
Swannanoa River Tributary 35	At the confluence with Swannanoa River .....	+2,365	Town of Black Mountain.
	Approximately 710 feet upstream of Avena Road .....	+2,432	
Swannanoa River Tributary of Tributary 26.	At the confluence with Swannanoa River Tributary 26 .....	+2,270	Unincorporated Areas of Buncombe County.
	Approximately 110 feet upstream of Druid Hill Road (State Road 2445).	+2,387	
Swannanoa River Tributary of Tributary 28.	At the confluence with Swannanoa River Tributary 28 .....	+2,273	Unincorporated Areas of Buncombe County.
	Approximately 190 feet upstream of Woodland Drive (State Road 2460).	+2,642	
Swannanoa River Tributary of Tributary 33.	At the confluence with Swannanoa River Tributary 33 .....	+2,285	Unincorporated Areas of Buncombe County, Town of Black Mountain.
	Approximately 0.4 mile upstream of the confluence with Swannanoa River Tributary 33.	+2,329	
Sweeten Creek .....	At the confluence with Swannanoa River .....	+1,997	City of Asheville.
	Approximately 1,800 feet upstream of US Highway 25 .....	+2,299	
Sweeten Creek Tributary 2 .....	At the confluence with Sweeten Creek .....	+2,010	City of Asheville.
	Approximately 60 feet upstream of Shady Oak Drive .....	+2,069	
Sweeten Creek Tributary 3 .....	At the confluence with Sweeten Creek .....	+2,018	City of Asheville.
	Approximately 1,370 feet upstream of Forest Street .....	+2,206	
Sweeten Creek Tributary 4 .....	At the confluence with Sweeten Creek .....	+2,078	Unincorporated Areas of Buncombe County, City of Asheville.
	Approximately 1,150 feet upstream of West Chapel Road	+2,139	
Taylor Creek .....	The Buncombe/Rutherford county boundary .....	+2,000	Unincorporated Areas of Buncombe County.
	Approximately 1,000 feet upstream of the Buncombe/Rutherford county boundary.	+2,034	
Tomahawk Branch .....	At the confluence with Swannanoa River .....	+2,287	Town of Black Mountain.
	Approximately 490 feet upstream of Hiawasse Avenue (State Road 2495).	+2,383	
Town Branch Creek .....	At the confluence with Dillingham Creek .....	+2,436	Unincorporated Areas of Buncombe County.
	Approximately 190 feet upstream of Martin Lane (State Road 2165).	+2,768	
Trantham Creek .....	At the confluence with Cane Creek .....	+2,265	Unincorporated Areas of Buncombe County.



Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Trent Branch .....	Approximately 960 feet upstream of Ivy Cove Road .....	+2,391	City of Asheville.
	Approximately 300 feet upstream of the confluence with Ragsdale Creek.	+2,024	
Tributary to Camp Branch .....	Approximately 0.5 mile upstream of I-40 .....	+2,064	Unincorporated Areas of Buncombe County, Town of Black Mountain.
	At the confluence with Camp Branch .....	+2,345	
Tributary to Tributary to Camp Branch.	Approximately 1,060 feet upstream of NC Highway 9 .....	+2,477	Unincorporated Areas of Buncombe County, Town of Black Mountain.
	At the confluence with Tributary to Camp Branch .....	+2,363	
Turkey Creek .....	Approximately 590 feet upstream of Settings Boulevard ...	+2,517	Unincorporated Areas of Buncombe County.
	At the confluence with Sandy Mush Creek .....	+1,772	
Warren Creek .....	At the confluence with North Turkey Creek and South Turkey Creek.	+2,027	Unincorporated Areas of Buncombe County.
	At the confluence with South Hominy Creek .....	+2,304	
Webb Branch .....	Approximately 1,860 feet upstream of the confluence with South Hominy Creek.	+2,336	Unincorporated Areas of Buncombe County.
	Approximately 900 feet upstream of the confluence with Hominy Creek.	+2,142	
Williams Branch .....	Approximately 0.4 mile upstream of US Highway 25/19 ....	+2,203	Unincorporated Areas of Buncombe County.
	At the confluence with Dillingham Creek .....	+2,285	
Willow Creek .....	Approximately 1.3 miles upstream of Williams Branch Road (State Road 2174).	+3,133	Unincorporated Areas of Buncombe County.
	At the confluence with Sandy Mush Creek .....	+2,266	
	Approximately 80 feet upstream of Willow Cove Road (State Road 1395).	+2,544	

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

**ADDRESSES**

**City of Asheville**

Maps are available for inspection at City Hall, 70 Court Plaza, Asheville, NC 28801.

**Town of Biltmore Forest**

Maps are available for inspection at Biltmore Forest Town Hall, 355 Vanderbilt Road, Biltmore Forest, NC 28803.

**Town of Black Mountain**

Maps are available for inspection at Black Mountain Town Hall, 102 Montreat Road, Black Mountain, NC 28711.

**Town of Montreat**

Maps are available for inspection at Montreat Town Hall, 96 Rainbow Terrace, Montreat, NC 28757.

**Town of Weaverville**

Maps are available for inspection at Weaverville Town Hall, 30 South Main Street, Weaverville, NC 28787.

**Town of Woodfin**

Maps are available for inspection at Woodfin Town Hall, 90 Elk Mountain Road, Woodfin, NC 28804.

**Unincorporated Areas of Buncombe County**

Maps are available for inspection at Buncombe County Planning Department, 46 Valley Street, Asheville, NC 28801.

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

**Deborah S. Ingram,**

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

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BILLING CODE 9110-12-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 300**

**RIN 0648-XS30**

**Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders**

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

**ACTION:** Temporary orders; inseason orders; request for comments.

**SUMMARY:** NMFS publishes Fraser River salmon inseason orders to regulate salmon fisheries in U.S. waters. The orders were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by NMFS during the 2009 salmon fisheries within the U.S. Fraser River Panel Area. These orders established fishing dates, times, and areas for the gear types of U.S. treaty Indian and all citizen fisheries during the period the Panel exercised jurisdiction over these fisheries.

**DATES:** The effective dates for the inseason orders are set out in this document under the heading Inseason Orders. Comments will be accepted through December 10, 2009.

**ADDRESSES:** You may submit comments, identified by 0648-XS30 by any one of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>

Fax: 206-526-6736

Mail: NMFS NWR, 7600 Sand Point Way NE, Seattle, WA 98115.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or

otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:**

Peggy Busby, by phone at 206-526-4323, [peggy.busby@noaa.gov](mailto:peggy.busby@noaa.gov)

**SUPPLEMENTARY INFORMATION:** The Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631-3644.

Under authority of the Act, Federal regulations at 50 CFR part 300, subpart F provide a framework for the implementation of certain regulations of the Commission and inseason orders of the Commission's Fraser River Panel for U.S. sockeye and pink salmon fisheries in the Fraser River Panel Area.

The regulations close the U.S. portion of the Fraser River Panel Area to U.S. sockeye and pink salmon fishing unless opened by Panel orders that are given effect by inseason regulations published by NMFS. During the fishing season, NMFS may issue regulations that establish fishing times and areas consistent with the Commission agreements and inseason orders of the Panel. Such orders must be consistent with domestic legal obligations and are issued by Regional Administrator, Northwest Region, NMFS. Official notification of these inseason actions is provided by two telephone hotline numbers described at 50 CFR 300.97(b)(1) and in 74 FR 20610 (May 5, 2009). The inseason orders are published in the **Federal Register** as soon as practicable after they are issued. Due to the frequency with which inseason orders are issued, publication of individual orders is impractical. Therefore, the 2009 orders are being published in this single document to avoid fragmentation.

**Inseason Orders**

The following inseason orders were adopted by the Panel and issued for U.S. fisheries by NMFS during the 2009 fishing season. Each of the following inseason actions was effective upon announcement on telephone hotline numbers as specified at 50 CFR 300.97(b)(1) and in 74 FR 20610 (May 5, 2009); those dates and times are listed herein. The times listed are local times,

and the areas designated are Puget Sound Management and Catch Reporting Areas as defined in the Washington State Administrative Code at Chapter 220-22.

*Order Number 2009-01: Issued 3 p.m., August 25, 2009*

Treaty Indian Fisheries

*Areas 4B, 5 and 6C:* Open to drift gillnets from 12 p.m. (noon), Wednesday, August 26, 2009 to 12 p.m. (noon) Saturday, August 29, 2009.

All Citizen Fisheries

*Areas 7 and 7A Reef net:* Open to pink salmon fishing with non-retention of sockeye salmon 5 a.m. to 9 p.m. on Wednesday, August 26, 2009, 5 a.m. to 9 p.m. on Thursday, August 27, 2009; and 5 a.m. to 9 p.m. on Friday, August 28, 2009.

*Order Number 2009-02: Issued 1:50 p.m., August 26, 2009*

Treaty Indian Fisheries

*Areas 6, 7, and 7A:* Open to drift gillnets and purse seine from 5 a.m., Friday, August 28, 2009 to 8 a.m., Saturday, August 29, 2009.

All Citizen Fisheries

*Area 7 Purse Seine:* Open to pink salmon fishing with non-retention of sockeye salmon 5 a.m. to 9 p.m. on Thursday, August 27, 2009.

*Area 7 Gillnet:* Open to pink salmon fishing with non-retention of sockeye salmon 8 a.m. to 11:59 p.m. (midnight) on Thursday August 27, 2009.

*Area 7 Purse Seine* Open to pink salmon fishing with non-retention of sockeye salmon 3 p.m. to 9 p.m. on Thursday, August 27, 2009.

*Area 7A Gillnet:* Open 3 p.m. to 11:59 p.m. (midnight) on Thursday August 27, 2009.

*Order Number 2009-03: Issued 12:15 p.m., August 28, 2009*

Treaty Indian Fisheries

*Areas 4B, 5 and 6C:* Open to drift gillnets from 12 p.m. (noon), Saturday, August 29, 2009 to 12 p.m. (noon) Wednesday, September 2, 2009.

*Areas 6, 7, and 7A:* Open to drift gillnets and purse seine from 5 a.m., Sunday, August 30, 2009 to 8 a.m., Monday, August 31, 2009; and from 5 a.m., Tuesday, September 1, 2009 to 8 a.m., Wednesday, September 2, 2009; southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia.