DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67


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 to 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 September 15, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is 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–1114, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) kevin.long@dhs.gov.

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, or (e-mail) kevin.long@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 also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those 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:


§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

<table>
<thead>
<tr>
<th>Flooding source(s)</th>
<th>Location of referenced elevation</th>
<th>Communities affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elmore County, Alabama, and Incorporated Areas</td>
<td>Approximately 3.0 miles downstream of the Thurlow Dam.</td>
<td>None +210 City of Tallassee.</td>
</tr>
<tr>
<td>Tallapoosa River</td>
<td>Approximately 3.0 miles downstream of the Thurlow Dam.</td>
<td>None +214</td>
</tr>
</tbody>
</table>

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
^ 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
--- | --- | --- | --- | --- | --- | ---
**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.**


**ADDRESSES**

City of Tallassee
Maps are available for inspection at 3 Freeman Avenue, Tallassee, AL 36078.

Darke County, Ohio, and Incorporated Areas

<table>
<thead>
<tr>
<th>Communities affected</th>
<th>Effective Modified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village of Versailles</td>
<td>None +968</td>
</tr>
<tr>
<td>Unincorporated Areas of Darke County</td>
<td>None +1,030</td>
</tr>
</tbody>
</table>

Indian Creek
Approximately 300 feet upstream of the confluence with Swamp Creek.
Approximately 1,000 feet upstream of the confluence with Swamp Creek.

Painter Creek
Approximately 50 feet upstream of State Highway 49
Just downstream of Hollansburg-Sampson Road

Village of Versailles
Maps are available for inspection at 177 North Center Street, Versailles, OH 45380.

Cass County, Texas, and Incorporated Areas

<table>
<thead>
<tr>
<th>Communities affected</th>
<th>Effective Modified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unincorporated Areas of Cass County</td>
<td>None +227</td>
</tr>
<tr>
<td>Unincorporated Areas of Cass County</td>
<td>None +239</td>
</tr>
<tr>
<td>Unincorporated Areas of Cass County</td>
<td>None +269</td>
</tr>
</tbody>
</table>

Black Bayou
Just upstream of FM 251
Approximately 1 mile upstream of U.S. Route 59
Approximately 250 feet upstream of East Pinecrest Drive.
Just downstream of North Holly Street
At the confluence with Black Bayou
None downstream of Salmon Road

Unincorporated Areas of Cass County
Maps are available for inspection at 604 Highway 8 North, Linden, TX 75563.
<table>
<thead>
<tr>
<th>Flooding source(s)</th>
<th>Location of referenced elevation</th>
<th>* Elevation in feet (NGVD)</th>
<th>+ Elevation in feet (NAVD)</th>
<th># Depth in feet above ground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hood County, Texas, and Incorporated Areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brazos River .................</td>
<td>Approximately 3.4 miles upstream of the Bend Dam ..</td>
<td>+696</td>
<td>+695</td>
<td></td>
</tr>
<tr>
<td>Lambert Branch ..............</td>
<td>Just upstream of U.S. Route 377 .................................</td>
<td>None</td>
<td>+790</td>
<td></td>
</tr>
<tr>
<td>Stream LB–2 ..................</td>
<td>Just upstream of U.S. Route 377 .................................</td>
<td>None</td>
<td>+819</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Approximately 550 feet upstream of Ross Lane ..........</td>
<td>None</td>
<td>+833</td>
<td></td>
</tr>
</tbody>
</table>

Communities affected: City of Granbury, Unincorporated Areas of Hood 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.


ADDRESSES

City of Granbury
Maps are available for inspection at City Hall, 116 West Bridge Street, Granbury, TX 76048.

Unincorporated Areas of Hood County
Maps are available for inspection at 100 East Pearl Street, Granbury, TX 76048

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

Sandra K. Knight,

Dated: June 4, 2010.