DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Chief Executive Officer of the community reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified 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.


SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These 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. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim 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 interim 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 interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

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

List of Subjects in 44 CFR Part 65
Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:


§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

<table>
<thead>
<tr>
<th>State and county</th>
<th>Location and case No.</th>
<th>Date and name of newspaper where notice was published</th>
<th>Chief executive officer of community</th>
<th>Effective date of modification</th>
<th>Community No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida: Sumter</td>
<td>Unincorporated areas of Sumter County (11–04–4816P), City of Richmond Hill, (11–04–4401P).</td>
<td>September 22, 2011; September 29, 2011; The Sumter County Times.</td>
<td>The Honorable Don Burgess, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.</td>
<td>January 27, 2011</td>
<td>120296</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2012–0003]

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.


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 Deputy Associate 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 flood prone 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 NEPA.

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:


§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Fremont County, Colorado, and Incorporated Areas

Docket No.: FEMA–B–1194

<table>
<thead>
<tr>
<th>Flooding source(s)</th>
<th>Location of referenced elevation</th>
<th>*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ▶ Elevation in meters (MSL)</th>
<th>Communities affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbey Drainageway</td>
<td>Approximately 0.48 mile upstream</td>
<td>+5,274</td>
<td>City of Canon City, Unincorporated Areas of Fremont County.</td>
</tr>
<tr>
<td></td>
<td>of the Arkansas River confluence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fourmile Creek</td>
<td>Approximately 1,400 feet</td>
<td>+5,396</td>
<td>City of Canon City, Unincorporated Areas of Fremont County.</td>
</tr>
<tr>
<td></td>
<td>upstream of Central Avenue ......</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Approximately 1,280 feet</td>
<td>+5,257</td>
<td>City of Canon City, Unincorporated Areas of Fremont County.</td>
</tr>
<tr>
<td></td>
<td>upstream of the Arkansas River</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>confluence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mudd Gulch</td>
<td>Approximately 1.39 miles</td>
<td>+5,361</td>
<td>City of Canon City, Unincorporated Areas of Fremont County.</td>
</tr>
<tr>
<td></td>
<td>upstream of U.S. Route 50 ......</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Approximately 1,200 feet</td>
<td>+5,239</td>
<td>City of Canon City, Unincorporated Areas of Fremont County.</td>
</tr>
<tr>
<td></td>
<td>upstream of the Arkansas River</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>confluence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Approximately 0.64 mile upstream</td>
<td>+5,514</td>
<td>City of Canon City, Unincorporated Areas of Fremont County.</td>
</tr>
<tr>
<td></td>
<td>of Fourmile Parkway ...</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>