

issue that was the subject of the remand. With the Parties having reached such a settlement, the Copyright Royalty Judges now publish for comment the proposed change in the rule that is necessary to implement that settlement pursuant to order of remand from the U.S. Court of Appeals for the DC Circuit.

In the Settlement, the Parties have agreed to proposed changes in the regulations at 37 CFR 382.12 that do not disturb the combined Section 112(e)/114 royalty previously set by the Copyright Royalty Judges, but do specify that five percent of the combined royalty will be considered the Section 112(e) royalty, while the balance of the royalty is attributable to the Section 114 license.

#### List of Subjects in 37 CFR Part 382

Copyright, Digital audio transmissions, Performance right, Sound recordings.

#### Proposed Regulations

For the reasons set forth in the preamble, the Copyright Royalty Judges propose to amend part 382 of title 37 of the Code of Federal Regulations as follows:

#### PART 382—RATES AND TERMS FOR DIGITAL TRANSMISSIONS OF SOUND RECORDINGS AND THE REPRODUCTION OF EPHEMERAL RECORDINGS BY PREEXISTING SUBSCRIPTION SERVICES AND PREEXISTING SATELLITE DIGITAL AUDIO RADIO SERVICES

1. The authority citation for part 382 continues to read as follows:

**Authority:** 17 U.S.C. 112(e), 114, and 801(b)(1).

2. Section 382.12 is revised to read as follows:

##### § 382.12 Royalty fees for the public performance of sound recordings and the making of ephemeral recordings.

(a) *In general.* The monthly royalty fee to be paid by a Licensee for the public performance of sound recordings pursuant to 17 U.S.C. 114(d)(2) and the making of any number of ephemeral phonorecords to facilitate such performances pursuant to 17 U.S.C. 112(e) shall be the percentage of monthly Gross Revenues resulting from Residential services in the United States as follows: for 2007 and 2008, 6.0%; for 2009, 6.5%; for 2010, 7.0%; for 2011, 7.5%; and for 2012, 8.0%.

(b) *Ephemeral recordings.* The royalty payable under 17 U.S.C. 112(e) for the making of phonorecords used by the Licensee solely to facilitate transmissions during the Term for

which it pays royalties as and when provided in this subpart shall be included within, and constitute 5% of, such royalty payments.

Dated: December 11, 2009.

**James Scott Sledge,**

*Chief U.S. Copyright Royalty Judge.*

[FR Doc. E9-29904 Filed 12-15-09; 8:45 am]

**BILLING CODE 1410-72-P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1083]

#### 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 March 16, 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-1083, 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](mailto: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](mailto: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 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:

State	City/town/county	Source of flooding	Location **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)	
				Existing	Modified
Town of Ennis, Montana					
Montana .....	Town of Ennis .....	Moores Creek .....	Approximately 5,450 feet downstream of 1st Street.	None	+4915
			Approximately 650 feet upstream of Moores Creek Road.	None	+5030

\* 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 Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES****Town of Ennis**

Maps are available for inspection at 328 West Main Street, Ennis, MT 59729.

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	
Cross County, Arkansas, and Incorporated Areas				
Cooper Creek .....	Approximately 1,100 feet upstream of State Highway 1 Business.	None	+279	Unincorporated Areas of Cross County.
	Approximately 0.58 mile upstream of State Highway 1 Business.	None	+286	
Turkey Creek .....	Approximately 400 feet upstream of State Highway 1	None	+258	Unincorporated Areas of Cross County.
	Just upstream of Gibbs Road .....	None	+259	

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+ North American Vertical Datum.

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**ADDRESSES****Unincorporated Areas of Cross County**

Maps are available for inspection at 705 Union Avenue East, Room 4, Wynne, AR 72396.

<b>Drew County, Arkansas, and Incorporated Areas</b>				
Tenmile Creek .....	Approximately 1,000 feet downstream of the Missouri Pacific Railroad.	None	+208	Unincorporated Areas of Drew County.
	Just downstream of Missouri Pacific Railroad .....	None	+212	

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	
Tenmile Tributary .....	Approximately 3,200 feet downstream of Ragland Avenue.	None	+222	City of Monticello, Unincorporated Areas of Drew County.
	Just downstream of Barkada Road .....	None	+236	

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#### ADDRESSES

##### City of Monticello

Maps are available for inspection at 204 West Gains Street, Monticello, AR 71655.

##### Unincorporated Areas of Drew County

Maps are available for inspection at 210 South Main Street, Monticello, AR 71655.

#### Poinsett County, Arkansas, and Incorporated Areas

Left Hand Chute of Little River.	At the confluence of St. Francis River .....	None	+212	Unincorporated Areas of Poinsett County.
	Approximately 0.45 mile downstream of Leatherwood Lane.	None	+216	
	Approximately 1.02 mile downstream of State Highway 140.	None	+220	
	Approximately 1,400 feet downstream of State Highway 140.	None	+223	
St. Francis River .....	Approximately 0.73 mile downstream of Highway 63 ..	None	+211	Unincorporated Areas of Poinsett County.
	At the confluence of Left Hand Chute of Little River ...	None	+212	

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+ North American Vertical Datum.

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#### ADDRESSES

##### Unincorporated Areas of Poinsett County

Maps are available for inspection at the County Hall, Harrisburg, AR 72432.

#### Saline County, Arkansas, and Incorporated Areas

Hurricane Lake .....	Just downstream of Interstate 30 .....	None	+369	City of Benton, Unincorporated Areas of Saline County.
	Approximately 0.41 mile downstream of Zuber Road ..	None	+410	

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#### ADDRESSES

##### City of Benton

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 114 South East Street, Benton, AR 72015.

#### Unincorporated Areas of Saline County

Maps are available for inspection at 200 North Main Street, Room 17, Benton, AR 72015.

#### Humboldt County, California, and Incorporated Areas

Redwood Creek (With all levees).	At the confluence with the Pacific Ocean .....	None	+10	Unincorporated Areas of Humboldt County.
	Approximately 1.25 mile upstream of U.S. Highway 101.	None	+44	
Redwood Creek (Without all levees).	At the confluence with the Pacific Ocean .....	None	+10	Unincorporated Areas of Humboldt County.
	Approximately 1.25 mile upstream of U.S. Highway 101.	None	+42	
Redwood Creek (Without all right levees).	At the confluence with the Pacific Ocean .....	None	+10	Unincorporated Areas of Humboldt County.
	Approximately 1.25 mile upstream of U.S. Highway 101.	None	+43	

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#### ADDRESSES

##### Unincorporated Areas of Humboldt County

Maps are available for inspection at the County Courthouse, 825 5th Street, Room 111, Eureka, CA 95501.

#### Oglethorpe County, Georgia, and Incorporated Areas

Oconee River .....	At the confluence of Falling Creek .....	None	+461	Unincorporated Areas of Oglethorpe County.
	Approximately 0.4 mile upstream of the county boundary.	None	+477	

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#### ADDRESSES

##### Unincorporated Areas of Oglethorpe County

Maps are available for inspection at the Oglethorpe County Board of Commissioners Office, 341 West Main Street, Lexington, GA 30648.

#### Wilkinson County, Georgia, and Incorporated Areas

Little Commissioner Creek ....	Approximately 0.4 mile upstream of State Route 18 ...	None	+332	Unincorporated Areas of Wilkinson County.
	Approximately 0.5 mile upstream of State Route 18 ...	None	+332	

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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	

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#### ADDRESSES

##### Unincorporated Areas of Wilkinson County

Maps are available for inspection at the County Courthouse, 100 Bacon Street, Irwinton, GA 31042.

#### Bath County, Kentucky, and Incorporated Areas

Caney Creek (Backwater effects from Cave Run Lake).	From confluence with Cave Run Lake to approximately 0.6 mile upstream of the confluence with Cave Run Lake.	None	+747	Unincorporated Areas of Bath County.
Cave Run Lake .....	Entire shoreline of Cave Run Lake .....	None	+747	Unincorporated Areas of Bath County.
Sulphur Branch (Backwater effects from Cave Run Lake).	From confluence with Cave Run Lake to 2,000 feet upstream of the confluence with Cave Run Lake.	None	+747	Unincorporated Areas of Bath County.
Trough Lick Branch (Backwater effects from Cave Run Lake).	From confluence with Cave Run Lake to 2,000 feet upstream of the confluence with Cave Run Lake.	None	+747	Unincorporated Areas of Bath County.

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#### ADDRESSES

##### Unincorporated Areas of Bath County

Maps are available for inspection at 19 East Main Street, Owingsville, KY 40360.

#### Pointe Coupee Parish, Louisiana, and Incorporated Areas

Bayou Fardoche .....	Approximately 0.47 mile downstream of Interstate 190	None	+19	Town of Livonia.
	Approximately 1.21 mile upstream of Interstate Highway 190.	None	+19	
Bayou Fardoche .....	Approximately 0.54 mile downstream of Robinhood Road.	None	+26	Village of Fardoche.
	Approximately 900 feet downstream of Robinhood Road.	None	+27	
False Bayou .....	Just upstream of Texas and Union Railroad .....	+29	+23	Unincorporated Areas of Pointe Coupee Parish.
	Approximately 1,500 feet upstream of Texas and Union Railroad.	+29	+27	

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#### ADDRESSES

##### Town of Livonia

Maps are available for inspection at the Pointe Coupee Police Jury, 160 East Main Street, New Roads, LA 70760.

##### Unincorporated Areas of Pointe Coupee Parish

Maps are available for inspection at the Pointe Coupee Police Jury, 160 East Main Street, New Roads, LA 70760.

##### Village of Fardoche

Maps are available for inspection at the Pointe Coupee Police Jury, 160 East Main Street, New Roads, LA 70760.

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	
Dorchester County, Maryland, and Incorporated Areas				
Marshy Hope Creek .....	Approximately at the county boundary with Caroline County.	None	+11	Unincorporated Areas of Dorchester County.
	Approximately 250 feet downstream of the Town of Federalsburg corporate limits.	None	+11	
Wright's Branch .....	Approximately at Delaware Avenue .....	None	+35	Unincorporated Areas of Dorchester County.
	Approximately 400 feet upstream of Andrews Street ..	None	+37	

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#### ADDRESSES

##### Unincorporated Areas of Dorchester County

Maps are available for inspection at the County Office Building, 501 Court Lane, Cambridge, MD 21613.

<b>Somerset County, Maryland, and Incorporated Areas</b>				
Loretta Branch .....	Approximately 125 feet downstream of Umes Boulevard.	None	+5	Unincorporated Areas of Somerset County.
	Approximately at the confluence with Manokin River and Manokin Branch.	None	+5	
Manokin Branch .....	Approximately at the confluence with Manokin River and Loretta Branch.	None	+5	Unincorporated Areas of Somerset County.
	Approximately 750 feet upstream of Broad Street .....	None	+5	
Manokin River .....	Approximately 4,000 feet upstream of the confluence with Taylor Creek.	None	+5	Unincorporated Areas of Somerset County.
	Approximately at the crossing of Somerset Avenue ....	None	+5	

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#### ADDRESSES

##### Unincorporated Areas of Somerset County

Maps are available for inspection at 319 West Main Street, Crisfield, MD 21817.

<b>Prentiss County, Mississippi, and Incorporated Areas</b>				
Tennessee-Tombigbee Waterway (Bay Springs Lake).	Entire shoreline (within county) .....	None	+420	Unincorporated Areas of Prentiss County.

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Send comments to Kevin C. Long, Acting 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 Prentiss County**

Maps are available for inspection at the County Courthouse, 2301 North 2nd Street, Booneville, MS 38829.

**Gallia County, Ohio, and Incorporated Areas**

Campaign Creek (backwater effects from Ohio River).	Approximately 640 feet upstream of Bulaville Pike .....	None	+571	Unincorporated Areas of Gallia County.
	Approximately 0.7 mile upstream of Bulaville Pike .....	None	+571	
Clear Fork (backwater effects from Ohio River).	Confluence with Raccoon Creek .....	None	+566	Unincorporated Areas of Gallia County.
	Approximately 0.6 mile downstream of State Route 141.	None	+566	
Little Swan Creek (backwater effects from Ohio River).	Confluence with Swan Creek .....	None	+561	Unincorporated Areas of Gallia County.
	Approximately 0.7 mile upstream of confluence with Swan Creek.	None	+561	
Raccoon Creek .....	Approximately 1.9 mile downstream of State Route 160 in the Village of Vinton.	None	+605	Unincorporated Areas of Gallia County, Village of Vinton.
	Approximately 0.8 mile upstream of State Route 160 in the Village of Vinton.	None	+613	
Raccoon Creek (backwater effects from Ohio River).	Approximately 0.6 mile upstream of Little Raccoon Creek's confluence with Raccoon Creek.	None	+566	Unincorporated Areas of Gallia County.
	Approximately 0.7 mile upstream of Lincoln Pike .....	None	+566	
Swan Creek (backwater effects from Ohio River).	Approximately 1,020 feet downstream of Swan Creek Road.	None	+561	Unincorporated Areas of Gallia County.
	Approximately 1,360 feet downstream of Peters Branch Road.	None	+561	

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**ADDRESSES****Unincorporated Areas of Gallia County**

Maps are available for inspection at 111 Jackson Pike, Suite 1569, Gallipolis, OH 45631.

**Village of Vinton**

Maps are available for inspection at 111 Jackson Pike, Suite 1569, Gallipolis, OH 45631.

**Le Flore County, Oklahoma, and Incorporated Areas**

Caston Creek .....	Just upstream of the confluence with the Poteau River.	None	+463	Unincorporated Areas of Le Flore County.
	Approximately 500 feet upstream of the confluence with Mountain Creek.	None	+470	
Morris Creek .....	Approximately 200 feet downstream of Old Highway 59.	None	+469	Town of Howe, Unincorporated Areas of Le Flore County.
	Approximately 830 feet downstream of County Road East 1425.	None	+492	
Morris Tributary .....	Approximately 1,640 feet downstream of Highway 59	None	+485	Town of Howe, Unincorporated Areas of Le Flore County.
	Approximately 525 feet downstream of County Road East 1430.	None	+501	
Mountain Creek .....	At the confluence with Caston Creek .....	None	+470	Unincorporated Areas of Le Flore County.
	Approximately 600 feet upstream of Highway 270 .....	None	+483	
Polk Creek .....	Approximately 0.6 mile downstream of Possum Valley Road.	None	+443	City of Poteau, Unincorporated Areas of Le Flore County.

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	
Poteau River .....	Just upstream of Polk Creek Road .....	None	+584	Unincorporated Areas of Le Flore County.
	Flooding effects from the Poteau River extending just upstream of the San Francisco Railway.	None	+448	
	Flooding effects from the Poteau River extending from 2.3 miles upstream of County Road East 1370.	None	+453	City of Poteau.
Town Creek North .....	Approximately 958 feet upstream of Witte Street .....	+454	+453	
	Just upstream of Cavanal Scenic Expressway .....	None	+571	

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#### ADDRESSES

##### City of Poteau

Maps are available for inspection at 111 Peters Street, Poteau, OK 74953.

##### Town of Howe

Maps are available for inspection at 21781 West Main Street, Howe, OK 74940.

##### Unincorporated Areas of Le Flore County

Maps are available for inspection at 100 South Broadway Street, Poteau, OK 74953.

#### Colorado County, Texas, and Incorporated Areas

Colorado River .....	Approximately 0.6 mile downstream of County Highway 122.	None	+139	Unincorporated Areas of Colorado County, City of Columbus, City of Eagle Lake, Colorado County Water Control Improvement District No. 2.
	Just downstream of Burnham's Ferry Crossing .....	None	+223	

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#### ADDRESSES

##### City of Columbus

Maps are available for inspection at 605 Spring Street, Columbus, TX 78934.

##### City of Eagle Lake

Maps are available for inspection at 400 Spring Street, Columbus, TX 78934.

##### Colorado County Water Control Improvement District No. 2

Maps are available for inspection at 400 Spring Street, Columbus, TX 78934.

##### Unincorporated Areas of Colorado County

Maps are available for inspection at 400 Spring Street, Columbus, TX 78934.

#### Dawson County, Texas, and Incorporated Areas

Sulphur Springs Draw .....	Just upstream of County Road L .....	None	+2924	Unincorporated Areas of Dawson County.
	Just downstream of U.S. Highway 180 .....	None	+2950	

\* 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
		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 Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Unincorporated Areas of Dawson County

Maps are available for inspection at 400 South 1st Street, Lamesa, TX 79331.

#### Denton County, Texas, and Incorporated Areas

Cooper Creek .....	Approximately 570 feet downstream of the intersection of Cooper Creek and Mingo Road.	+588	+585	City of Denton.
	Approximately 586 feet downstream of the intersection of Cooper Creek and East Sherman Drive.	+630	+628	

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+ North American Vertical Datum.

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#### ADDRESSES

##### City of Denton

Maps are available for inspection at 215 East McKinney Street, Denton, TX 76201.

#### Duval County, Texas, and Incorporated Areas

San Diego Creek .....	Just upstream of Ventura Street .....	None	+296	City of San Diego, Unincorporated Areas of Duval County.
	Just upstream of Julian Street .....	None	+304	

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#### ADDRESSES

##### City of San Diego

Maps are available for inspection at 404 South Meir Street, San Diego, TX 78384.

##### Unincorporated Areas of Duval County

Maps are available for inspection at 400 East Gravis Highway 44, San Diego, TX 78384.

#### Fannin County, Texas, and Incorporated Areas

Bois D'arc Creek .....	Approximately 1,400 feet upstream of State Highway 56.	None	+553	Unincorporated Areas of Fannin County.
	Approximately 0.75 mile upstream of State Highway 56.	None	+554	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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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	

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#### ADDRESSES

##### Unincorporated Areas of Fannin County

Maps are available for inspection at 101 East Sam Rayburn Drive, Bonham, TX 75418.

#### Hale County, Texas, and Incorporated Areas

Running Water Draw .....	Approximately 1,800 feet downstream of County Road Y.	+3335	+3337	City of Plainview, Unincorporated Areas of Hale County.
Tributary A .....	Approximately 500 feet upstream of U.S. Highway 70	+3381	+3382	City of Plainview, Unincorporated Areas of Hale County.
	Approximately 1,400 feet upstream of Business Loop Interstate 27.	+3378	+3380	
Tributary to Running Water Draw.	Just upstream of County Road 60 .....	+3387	+3388	City of Plainview, Unincorporated Areas of Hale County.
	At the confluence with Running Water Draw .....	+3364	+3365	
	Playa C adjoining Interstate 27 .....	+3380	+3381	

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+ North American Vertical Datum.

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#### ADDRESSES

##### City of Plainview

Maps are available for inspection at 901 Broadway Street, Plainview, TX 79072.

##### Unincorporated Areas of Hale County

Maps are available for inspection at 500 Broadway Street, Plainview, TX 79072.

#### Wasatch County, Utah, and Incorporated Areas

Center Creek .....	At confluence with Surplus Canal .....	None	+5628	City of Heber City, Town of Independence, Unincorporated Areas of Wasatch County.
	Approximately 2,914 feet upstream of the upper Center Creek Road crossing.	None	+6573	
Humbog Canal .....	At the confluence with Center Creek .....	None	+5685	City of Heber City, Unincorporated Areas of Wasatch County.
Lake Creek .....	Approximately 566 feet upstream of 600 South Street	None	+5692	Unincorporated Areas of Wasatch County.
	At the diversion to South Lake Creek and North Lake Creek.	None	+5860	
Lower Wasatch Canal .....	Approximately 0.73 mile upstream of Lake Pines Drive.	None	+6738	City of Heber City, Unincorporated Areas of Wasatch County.
	At Highway 189 .....	None	+5634	
North Lake Creek .....	Approximately 800 feet upstream of Mill Road .....	None	+5694	City of Heber City, Unincorporated Areas of Wasatch County.
	Approximately 800 feet upstream of Mill Road .....	None	+5694	
Snake Creek .....	At the diversion from Lake Creek .....	None	+5860	City of Midway, Unincorporated Areas of Wasatch County.
	At confluence with Middle Provo River .....	None	+5422	
	Approximately 210 feet upstream of Warm Springs Road.	None	+5760	

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	
South Lake Creek .....	Approximately 566 feet upstream of 600 South Street	None	+5692	City of Heber City, Unincorporated Areas of Wasatch County.
Surplus Canal .....	At the diversion from Lake Creek .....	None	+5860	
	At the confluence with the Middle Provo River .....	None	+5433	City of Heber City, Unincorporated Areas of Wasatch County.
Upper Provo River .....	At Highway 189 .....	None	+5634	
	Approximately 0.52 mile downstream of Highway 32 ..	None	+6186	Unincorporated Areas of Wasatch County.
	Approximately 0.28 mile upstream of Moonlight Drive	None	+6426	

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#### ADDRESSES

##### City of Heber City

Maps are available for inspection at 75 North Main Street, Heber City, UT 84032.

##### City of Midway

Maps are available for inspection at 75 North 100 West, Midway, UT 84032.

##### Town of Independence

Maps are available for inspection at 4530 East Center Creek Road, Heber City, UT 84032.

##### Unincorporated Areas of Wasatch County

Maps are available for inspection at 25 North Main Street, Heber City, UT 84032.

#### Barbour County, West Virginia, and Incorporated Areas

Tygart Valley River .....	Approximately 40 feet downstream of the confluence of Big Run.	None	+1696	Unincorporated Areas of Barbour County.
	Approximately 175 feet upstream of the confluence of Tributary No. 1 to Tygart Valley River.	None	+1706	

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#### ADDRESSES

##### Unincorporated Areas of Barbour County

Maps are available for inspection at the County Courthouse, 8 North Main Street, Philippi, WV 26416.

#### Upshur County, West Virginia, and Incorporated Areas

Brushy Fork (Backwater flooding from Buckhannon River).	Approximately at the confluence with Fink Run .....	None	+1415	Unincorporated Areas of Upshur County.
	Approximately 700 feet upstream of County Route 7/1 (Left Branch of Brushy Fork).	None	+1415	
Fink Run (Backwater flooding from Buckhannon River).	Just upstream of Old Weston Road .....	None	+1415	Unincorporated Areas of Upshur County.
	Approximately 2,100 feet upstream of intersection of Old Weston Road and County Route 5/7 (Mudlick Run).	None	+1415	

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	
Unnamed Tributary No. 1 to Fink Run (Backwater flooding from Buckhannon River).	Approximately at the area bounded by U.S. Route 33, Wabash Avenue, and County Route 33/1.	None	+1415	Unincorporated Areas of Upshur County.

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#### ADDRESSES

##### Unincorporated Areas of Upshur County

Maps are available for inspection at 38 West Main Street, Buckhannon, WV 26201.

(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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