

Dated: June 25, 2003.

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 65

[Docket No. FEMA-P-7624]

#### Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the Base (1-percent-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 Map(s) 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 Mitigation Division Director of the Emergency Preparedness and Response Directorate 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.

**FOR FURTHER INFORMATION CONTACT:**

Mary Jean Pajak, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2831.

**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 to either 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 rule is categorically excluded from

the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

*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 12612, Federalism.*

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

*Executive Order 12778, Civil Justice Reform.* This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

#### 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:

**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.

#### § 65.4 [Amended]

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

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
California: Alameda (Case No. 02-09-542P).	City of Hayward .....	February 21, 2003, February 28, 2003, <i>The Daily Review</i> .	The Honorable Roberta Cooper, Mayor, City of Hayward, 777 B Street, Hayward, California 94541.	February 10, 2003.	065033
Illinois: Will (Case No. 02-05-3078P).	Village of Bolingbrook.	April 10, 2003, April 17, 2003, <i>The Bolingbrook Sun</i> .	The Honorable Roger Claar, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, Illinois 60440.	July 17, 2003	170812
Iowa: Johnson (Case No. 02-07-356P).	City of Iowa City .....	April 11, 2003, April 18, 2003, <i>Iowa City Press-Citizen</i> .	The Honorable Ernest W. Lehman, Mayor, City of Iowa City, 410 East Washington Street, Iowa City, Iowa 52240.	July 18, 2003	190171

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Kansas: Crawford (Case No. 02-07-785P).	City of Pittsburg .....	February 21, 2003, February 28, 2003, <i>The Morning Sun</i> .	The Honorable Allen Gill, Mayor, City of Pittsburg, 201 West 4th Street, Pittsburg, Kansas 66762.	February 10, 2003.	200072
Michigan: Macomb (Case No. 02-05-1637P).	Township of Macomb.	March 20, 2003, March 27, 2003, <i>The Macomb Daily</i> .	Mr. John D. Brennan, Township Supervisor, 54111 Broughton Road, Macomb, Michigan 48042.	June 26, 2003	260445
Ohio: Montgomery (Case No. 02-05-3230P).	City of Vandalia .....	March 5, 2003, March 12, 2003, <i>Dayton Daily News</i> .	The Honorable Bill Loy, Mayor, City of Vandalia, 333 James Bohanon Drive, Vandalia, Ohio 45377.	February 21, 2003.	390418
Oklahoma: Oklahoma, Canadian, Cleveland, McClain, Pottawatomie (Case No. 03-06-693P).	City of Oklahoma City.	March 20, 2003, March 27, 2003, <i>The Daily Oklahoman</i> .	The Honorable Kirk Humphreys, Mayor, City of Oklahoma City, 200 North Walker, 3rd Floor, Oklahoma City, Oklahoma 73102.	February 25, 2003.	405378
Oklahoma: Oklahoma, Canadian, Cleveland, McClain, Pottawatomie (Case No. 03-06-696P).	City of Oklahoma City.	March 20, 2003, March 27, 2003, <i>The Daily Oklahoman</i> .	The Honorable Kirk Humphreys, Mayor, City of Oklahoma City, 200 North Walker, 3rd Floor, Oklahoma City, Oklahoma 73102.	February 26, 2003.	405378
Texas: Collin (Case No. 03-06-436P).	City of Allen .....	April 3, 2003, April 10, 2003, <i>The Allen American</i> .	The Honorable Steve Terrell, Mayor, City of Allen, One Allen Civic Plaza, Allen, Texas 75013.	March 19, 2003.	480131
Texas: Dallas (Case No. 02-06-1259P).	City of Dallas .....	April 3, 2003, April 10, 2003, <i>Dallas Morning News</i> .	The Honorable Laura Miller, Mayor, City of Dallas, 1500 Marilla Street, City Hall, Dallas, Texas 75201.	March 13, 2003.	480171
Texas: Dallas (Case No. 02-06-2308P).	City of Farmers Branch.	February 21, 2003, February 28, 2003, <i>Northwest Morning News</i> .	The Honorable Bob Phelps, Mayor, City of Farmers Branch, P.O. Box 819010, Farmers Branch, Texas 75234.	February 7, 2003.	480174
Texas: Dallas (Case No. 02-06-1259P).	City of Garland .....	April 3, 2003, April 10, 2003, <i>Garland Morning News</i> .	The Honorable Bob Day, Mayor, City of Garland, P.O. Box 469002, Garland, Texas 75046.	March 13, 2003.	485471
Texas: Tarrant (Case No. 02-06-2049P).	City of Hurst .....	February 21, 2003, February 28, 2003, <i>The Star Telegram</i> .	The Honorable William D. Souder, Mayor, City of Hurst, 1505 Precinct Line Road, Hurst, Texas 76054.	January 31, 2003.	480601
Texas: Williamson (Case No. 02-06-938P).	City of Leander .....	April 16, 2003, April 23, 2003, <i>Hill Country News</i> .	The Honorable Larry Barnett, Mayor, City of Leander, P.O. Box 319, Leander, TX 78646.	March 13, 2003.	481536
Texas: Dallas (Case No. 02-06-1259P).	City of Mesquite .....	April 3, 2003, April 10, 2003, <i>Mesquite Morning News</i> .	The Honorable Mike Anderson, Mayor, City of Mesquite, P.O. Box 850137, Mesquite, Texas 75185.	March 13, 2003.	485490
Texas: Bexar (Case No. 02-06-1684P).	City of Selma .....	April 17, 2003, April 24, 2003, <i>The Herald</i> .	The Honorable Jim Parma, Mayor, City of Selma, 9375 Corporate Drive, Selma, Texas 78154.	March 21, 2003.	480046
Texas: Bexar, Comal, Guadalupe (Case No. 02-06-1684P).	City of Schertz .....	April 17, 2003, April 24, 2003, <i>The Herald</i> .	The Honorable Hal Baldwin, Mayor, City of Schertz, Drawer 1, Schertz, Texas 78154.	March 21, 2003.	480269
Texas: Bexar, Comal, Guadalupe (Case No. 02-06-432P).	City of Schertz, .....	February 13, 2003, February 20, 2003, <i>The Herald</i> .	The Honorable Hal Baldwin, Mayor, City of Schertz, P.O. Box Drawer 1, Schertz, Texas 78154.	February 3, 2003.	480269
Texas: Williamson (Case No. 02-06-938P).	Unincorporated Areas.	April 16, 2003, April 23, 2003, <i>Williamson County Sun</i> .	The Honorable John C. Doerfler, Judge, Williamson County, 710 Main Street, Georgetown, Texas 78626.	March 13, 2003.	481079

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: June 24, 2003.

**Anthony S. Lowe,**

*Mitigation Division Director, Emergency Preparedness and Response Directorate.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

#### Final Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**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).

**EFFECTIVE DATE:** 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 FIRM is 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:** Mary Jean Pajak, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2831.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified

BFEs were also published in the **Federal Register**.

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 rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

*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 12612, Federalism.* This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

*Executive Order 12778, Civil Justice Reform.* This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

#### 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 to read 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:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
<b>ARIZONA</b>	
<b>La Paz County, (FEMA Docket No.# B-7435)</b>	
<i>Centennial Wash:</i> Approximately 3,100 feet downstream from the confluence of Tributary A at Wenden .....	*1,837
Approximately 3,700 feet upstream of Atchison, Topeka and Santa Fe Railroad .....	*1,884
<i>Tributary B at Wenden:</i> Approximately 1,800 feet upstream of the Atchison, Topeka and Santa Fe Railroad .....	*1,865
Approximately 7,800 feet upstream of the Atchison, Topeka and Santa Fe Railroad .....	*1,910
<b>Maps are available for inspection</b> at the Community Development, Department, 1112 Joshua Avenue #202, Parker, Arizona.	
<b>Navajo County, (FEMA Docket No.# B-7435)</b>	
<i>Mexican Lake Outlet:</i> Approximately 800 feet downstream of Abandoned Railroad .....	*5,934
Approximately 1,250 feet upstream of Abandoned Railroad .....	*5,979
<i>Mexican Lake:</i> At Mexican Lake .....	*5,979
<i>White Mountain Lake:</i> At White Mountain Lake .....	*5,979
<i>Rocky Arroyo:</i> Approximately 1,000 feet downstream of Silver Creek Drive .....	*5,980
Approximately 3,900 feet upstream of Silver Creek Drive .....	*6,084
<i>Lower Silver Creek:</i> Approximately 5,140 feet downstream of unnamed Road .....	*5,638
Approximately 150 feet downstream of the confluence with Show Low Creek .....	*5,659
<i>Upper Silver Creek:</i> Approximately 2,050 feet downstream of Silver Lake Boulevard .....	*5,980
Approximately 450 feet downstream of Bourdon Rande Road. ....	*6,107
<b>Maps are available for inspection</b> at the Flood Control Division, County Government Complex, 100 East Carter Drive, Holbrook, Arizona.	