

State	City/town/county	Source of flooding	Location	Depth in feet above ground ♦ Elevation in feet (NAVD)	
				Existing	Modified
NM .....	Espanola (City) Rio Arriba and Santa Fe Counties.	Arroya del Gaucho .....	At the confluence with the Rio Grande ....	None	♦5,602
		Arroyo de Guachupangue	Approximately 2.04 miles upstream of U.S. Highway 84.	None	♦5,918
			Approximately 500 feet upstream of the confluence with the Rio Grande.	None	♦5,585
			Approximately 2,690 feet upstream of the confluence of Arroyo de Guachupangue Tributary.	None	♦5,683
		Arroyo de Guachupangue Tributary.	At the confluence with Arroyo de Guachupangue.	None	♦5,632
			Approximately 500 feet upstream of the confluence with Arroyo de Guachupangue.	None	♦5,642
		Arroyo de Hanchitos .....	Approximately 2,690 feet downstream of U.S. Highway 285.	None	♦5,607
		Llano Ditch Tributary .....	Approximately 1,650 feet upstream of U.S. Highway 285.	None	♦5,680
			Approximately 250 feet upstream of El Llano Road.	None	♦5,599
			Approximately 1.3 miles upstream of El Llano Road.	None	♦5,705
TX .....	Espanola (City) Rio Arriba and Santa Fe Counties (Cont'd.).	Rio Grande .....	Approximately 1,650 feet downstream of U.S. Highway 84.	None	♦5,581
		Rio Grande Tributary 1 .....	Approximately 0.82 mile upstream of the confluence of Arroyo del Gaucho.	None	♦5,607
			At North Railroad Avenue .....	None	♦5,595
			Approximately 1,930 feet upstream of Oñate Street.	None	♦5,673
		Santa Cruz River .....	At the confluence with the Rio Grande ....	None	♦5,586
			Approximately 1,170 feet upstream of State Highway 106.	None	♦5,692

Maps are available for inspection at the Community Map Repository, City of Espanola, 405 North Paseo de Onate, Espanola, New Mexico.  
Send comments to The Honorable Richard Lucero, Mayor, City of Espanola, 405 North Paseo de Onate, Espanola, New Mexico 87532.

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

Dated: February 23, 2005.

**David I. Maurstad,**

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

[FR Doc. 05-4196 Filed 3-3-05; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-P-7673]

### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency  
Management Agency, Emergency

Preparedness and Response Directorate,  
Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and 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 remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed 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:**

Doug Bellomo, P.E., Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency 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 Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

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.

#### National Environmental Policy Act

This proposed 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 proposed 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 proposed 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 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:

Source of flooding	Location of referenced elevation	♦ Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Colorado River .....	Approximately 4.92 miles downstream of the confluence of JD Creek.	None	♦297	Bastrop County (Unincorporated Areas), City of Bastrop, City of Smithville.
	Approximately 3.43 miles upstream of the confluence of Dry Creek.	None	♦391	
Gills Branch .....	At the confluence with the Colorado River.	♦353	♦352	Bastrop County (Unincorporated Areas), City of Bastrop.
	Approximately 230 feet downstream of State Route 71.	♦353	♦352	

#### Unincorporated areas of Bastrop County, Texas:

Maps are available for inspection at 806 Water Street, Bastrop, Texas.

Send comments to The Honorable Ronnie McDonald, Bastrop County Judge, 804 Pecan Street, Bastrop, Texas 78602.

#### City of Bastrop, Bastrop County, Texas:

Maps are available for inspection at 300 Water Street, Bastrop, Texas.

Send comments to The Honorable Tom Scott, Mayor, City of Bastrop, Post Office Box 427, Bastrop, Texas 78602.

#### City of Smithville, Bastrop County, Texas:

Maps are available for inspection at 1000 Martin Luther King Boulevard, Smithville, Texas.

Send comments to The Honorable Renee Blaschke, Mayor, City of Smithville, Post Office Box 449, Smithville, Texas 78957-0449.

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

Dated: February 23, 2005.

**David I. Maurstad,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 050216041-5041-01; I.D. 020705C]

RIN 0648-AS87

#### Fisheries of the Northeastern United States; Recordkeeping and Reporting Requirements; Regulatory Amendment to Modify Seafood Dealer Reporting Requirements

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes measures to modify the existing reporting and record keeping regulations for federally permitted seafood dealers participating in the summer flounder, scup, black sea bass, Atlantic sea scallop, Northeast (NE) multispecies, monkfish, Atlantic mackerel, squid, butterfly, Atlantic surfclam, ocean quahog, Atlantic herring, Atlantic deep-sea red crab, tilefish, Atlantic bluefish, skate, and/or spiny dogfish fisheries in the NE Region. The purpose of this action is to reduce the reporting burden on seafood dealers, improve data quality, simplify compliance, enhance enforceability, and clarify existing requirements.

**DATES:** Comments on this proposed rule must be received on or before March 21, 2005.

**ADDRESSES:** Copies of the regulatory amendment, its Regulatory Impact Review (RIR), the Initial Regulatory Flexibility Analysis (IRFA), and other supporting materials are available from Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester MA 01930. The regulatory amendment/RIR/IRFA is also accessible via the Internet at <http://www.nero.nmfs.gov>. Comments on the rule or related analysis should be submitted as follows:

- E-mail comments to DealerER@noaa.gov. Mark the subject line "Comments on Dealer Reporting."
- Send or deliver written comments (paper, CD Rom, or disk) to Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester MA 01930. Mark the outside of the envelope, "Comments on Proposed Rule to Modify Dealer Reporting."
- Send comments through the Federal e-Rulemaking Portal at [www.Regulations.gov](http://www.Regulations.gov)
- Fax comments via facsimile to (978) 281-9161

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to Patricia A. Kurkul, Regional Administrator, and by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or by fax to (202) 395-7285.

#### FOR FURTHER INFORMATION CONTACT:

Kelley McGrath, Fishery Information Specialist, (978) 281-9307, fax (978) 281-9161, or Erik Braun, Fishery Reporting Specialist, (631)-324-3569, fax (631)324-3314.

#### SUPPLEMENTARY INFORMATION:

##### Background

Regulations implementing the fishery management plans (FMPs) for the summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, monkfish, Atlantic mackerel, squid, butterfly, Atlantic surfclam, ocean quahog, Atlantic herring, Atlantic deep-sea red crab, tilefish, Atlantic bluefish, skate, and spiny dogfish fisheries are found at 50 CFR part 648. These FMPs were prepared under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All dealers and vessels issued a Federal permit in one or more of the aforementioned fisheries must comply with the reporting requirements outlined at § 648.7. Lobster dealers issued a Federal lobster permit, but not issued any of the permits with mandatory reporting requirements under this part, are not required to comply with these reporting regulations, although other reporting requirements may apply.

Prior to March 1994, nearly all fisheries landing information was collected from seafood dealers and vessel owners on a voluntary basis. Vessel owners/operators were asked by NMFS Field Staff to respond voluntarily to interview questions regarding effort and location information for their fishing trip, which were used to augment the detailed purchase reports

submitted by dealers. In 1994, mandatory reporting by seafood dealers and vessel owners/operators permitted in the summer flounder, Atlantic sea scallop and NE multispecies fisheries was implemented. As subsequent FMPs for additional fisheries were developed, including several managed, in part, by harvest limits, mandatory reporting by dealers and vessels became an integral part of those FMPs. Any dealer issued a permit for a species with mandatory reporting requirements was required to submit trip-level purchase reports on a weekly basis, either on paper or in an approved electronic format. If no purchases were made during a calendar month, a negative report so stating was required. Dealers were also required to submit weekly summary reports of certain quota-managed species through the telephone-based Interactive Voice Response (IVR) system. If no purchases of any quota-managed species were made during the reporting week, a negative report was required.

NMFS published a final rule (69 FR 13482, March 23, 2004) that was effective May 1, 2004. It implemented new reporting regulations requiring seafood dealers permitted in the summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, monkfish, Atlantic mackerel, squid, butterfly, Atlantic surfclam, ocean quahog, Atlantic herring, Atlantic deep-sea red crab, tilefish, Atlantic bluefish, skate, and/or spiny dogfish fisheries to submit electronically trip-level reports, of all fish purchased or received, regardless of species, area harvested, point of purchase, or point of landing. Electronic reports must be submitted to NMFS using one of four acceptable methods: data entry via a web-based form; file upload via a web site; file upload using an approved state management agency program; or file transfer protocol (FTP) via the phone line.

Reports are required to be submitted either on a weekly or a daily basis, depending on the dealer category. Each dealer is currently assigned to either the Small Dealer or Large Dealer category, based on past ex-vessel purchase value. Any dealer with less than \$300,000 in total ex-vessel purchases in each year from 2000 through 2002 is considered a Small Dealer and must report trip-level purchase reports each week. Reports are due within 3 days of the end of the reporting week, by midnight Tuesday. Any dealer with at least \$300,000 in ex-vessel purchases in 2000, 2001, or 2002 is considered a Large Dealer and must submit trip-level purchase reports by midnight of the following business day. Any dealer issued a new permit in 2003