

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1041]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1 percent 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 June 23, 2009.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are 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-1041, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151, or (e-mail) bill.blanton@dhs.gov.

FOR FURTHER INFORMATION CONTACT:

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151 or (e-mail) bill.blanton@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:

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	
Lamar County, Alabama, and Incorporated Areas				
Driver Creek	Approximately 3,318 feet upstream of confluence of Luxapallila Creek and Driver Creek.	None	+261	Unincorporated Areas of Lamar County.
	Approximately 3,810 feet upstream of confluence of Luxapallila Creek and Driver Creek.	None	+265	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

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		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.

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ADDRESSES

Unincorporated Areas of Lamar County

Maps are available for inspection at 4690 Hwy 17, Vernon, AL 35592.

Marion County, Alabama, and Incorporated Areas

Unnamed Tributary to Reedy Creek.	At the confluence of Reedy Creek	None	+458	Town of Gu-Win.
	Approximately 1,825 feet upstream of the confluence with Reedy Creek.	None	+459	

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ADDRESSES

Town of Gu-Win

Maps are available for inspection at 4835 U.S. Hwy 43, Gu-Win, AL 35563.

Lee County, Illinois, and Incorporated Areas

Kyte River	Approximately 1,080 feet west of Thorpe Road	None	+770	Unincorporated Areas of Lee County.
	Approximately 125 feet west of Illinois Route 251	None	+771	

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ADDRESSES

Unincorporated Areas of Lee County

Maps are available for inspection at Lee County Zoning Office, Old Lee County Courthouse, Third Floor, 112 E. Second Street, Dixon, IL 61021.

St. John The Baptist Parish, Louisiana, and Incorporated Areas

Lake Lac Des Alemands	Entire shoreline and extending approximately 6,000 feet landward of the entire lake.	None	+6-7	Unincorporated Areas of St. John The Baptist Parish.
	Starting with the Texas and Pacific Railroad and continuing both East and West to the Parish Lines and South to Lake Lac Des Alemands and the Southern Parish line. Also, two small areas North of the railroad are included.	None	+3-6	
Lake Maurepas	Along the shoreline of Lake Maurepas starting at the Parish Line and continuing along the coastline East to Lake Pontchartrain and extending landward approximately 2,000 feet.	None	+9-12	Unincorporated Areas of St. John The Baptist Parish.

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Lake Pontchartrain	Covering an area extending West from Interstate 55 North and following the shoreline of Lake Maurepas to the Parish boundary and extending south to approximately Highway 61.	None	+3-13	Unincorporated Areas of St. John The Baptist Parish.
	Covering an area extending East from Interstate 55 North to the Western Coast of Lake Pontchartrain and extending North from I-10 to the Parish Boundary on Interstate 55 North.	None	+10-13	
	Along the shoreline of Lake Pontchartrain starting at the Northern peninsula and continuing south to Interstate 10 and extending landward approximately 6,000 feet.	None	+12-17	

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ADDRESSES

Unincorporated Areas of St. John The Baptist Parish

Maps are available for inspection at 1801W. Airline Hwy., La Place, LA 70068.

Wayne County, Michigan, and Incorporated Areas

Apple Run/Horner Drain	Confluence with Sines Drain	None	+688	Township of Canton.
	Downstream side of Beck Road	None	+689	Township of Van Buren.
Bakewell Tile Extension Bell Branch.	Confluence with Bell Branch	None	+671	City of Livonia.
	Downstream side of Newburgh Road	None	+672	
	Upstream side of Ellen Drive	None	+654	City of Livonia.
	Downstream side of 5 Mile Road	None	+671	
Belleville Lake	Entire shoreline of Belleville Lake	None	+653	City of Belleville, Township of Van Buren.
Bingell Drain	Upstream side of Hannan Road	None	+662	Township of Canton.
	Approximately 30 feet upstream of Hannan Road	None	+663	
Bird Marsh Drain	Confluence with Day and Cutter Drain	None	+666	Township of Sumpter.
	Downstream side of Judd Road	None	+676	
Blakely Drain	Approximately 575 feet west of Telegraph Road and just south of Pennsylvania Road.	None	+610	Charter Township of Brownstown.
	Approximately 400 feet west of Beech Daly Road and just south of Pennsylvania Road.	None	+612	
	Just upstream of Pennsylvania Road	None	+615	
	Approximately 50 feet upstream of Pennsylvania Road ...	None	+615	
Blakely Drain	Upstream side of King Road	None	+593	City of Riverview.
	Approximately 300 feet east of Cascade Drive	None	+593	
Bradshaw Drain	Upstream side of Oakville-Waltz Road	None	+642	Township of Sumpter.
	Downstream side of Rawsonville Road	None	+667	
Branch No. 1 Mosquito Drain	Confluence with Mosquito Drain	None	+624	Township of Sumpter.
	Approximately 0.7 mile upstream of Arkona Road	None	+627	Township of Huron.
Brooks Drain	Confluence with Huron River	None	+616	Township of Sumpter.
	Downstream side of Haggerty Road	None	+655	
Brownstown Creek	Approximately 1500 feet upstream of Gudith Road	None	+599	Charter Township of Brownstown, City of Woodhaven.
	Approximately 0.7 mile downstream of Sibley Road	None	+615	
Brownstown Creek	Approximately 500 feet downstream of Gibraltar Road ...	+577	+578	City of Gibraltar.
	Approximately 700 feet upstream of Gibraltar Road	+577	+578	
Carroll Drain	Confluence with Burnap Drain	None	+631	Township of Sumpter.
	Downstream side of Martinsville Road	None	+638	
Clark-Morey Drain	Confluence with Lords Drain	None	+631	Township of Sumpter.
	Approximately 200 feet downstream of Arkona Road	None	+645	
Day and Cutter Drain	Confluence with Bradshaw Drain	None	+666	Township of Sumpter.

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Deacon Drain	Downstream side of Judd Road	None	+674	City of Detroit.
	Approximately 75 feet northeast of the intersection of Ethel Street and Outer Drive.	None	+583	
Denton & Branch Drain	Approximately 175 feet northeast of the intersection of Bassett Street and Outer Drive.	None	+583	Township of Van Buren.
	Confluence with Apple Run	None	+688	
Desbrow Drain	Approximately 1,650 feet upstream of Beck Road	None	+688	Township of Sumpter.
	Upstream side of Oakville-Waltz Road	None	+625	
Detroit River	Downstream side of Judd Road	None	+674	Charter Township of Brownstown, City of Detroit, City of Ecorse, City of Gibraltar, City of Grosse Pointe Park, City of River Rouge, City of Wyandotte, Township of Grosse Ile.
	Confluence with Lake Erie	+577	+578	
Ecorse Creek	Confluence with Lake St. Clair	+578	+579	City of Ecorse, City of Lincoln Park.
	Confluence with Detroit River	+577	+578	
Ecorse Creek	Confluence with North Branch Ecorse Creek and South Branch Ecorse Creek.	+577	+578	City of Wyandotte.
	Confluence with Detroit River	+577	+578	
Fellows Creek	Approximately 200 feet downstream of confluence with Sexton-Kilfoil Drain.	+577	+578	Township of Canton.
	At confluence with Lower River Rouge	None	+654	
Frank and Poet Drain	Approximately 175 feet downstream of Canton Center Road.	+687	+688	City of Gibraltar.
	Approximately 1,150 feet downstream of Gibraltar Road	+577	+578	
Frank and Poet Drain	Approximately 225 feet downstream of Railroad	+577	+578	City of Southgate.
	Approximately 80 feet southeast of Allen Road and Orchard Avenue.	None	+601	
Frank and Poet Drain	Approximately 275 feet southeast of Allen Road and Orchard Avenue.	None	+601	City of Taylor.
	Upstream side of Eureka Road	+606	+605	
Frenchman Creek	Downstream side of Inkster Road	+624	+623	Township of Grosse Ile.
	Confluence with Detroit River	+577	+578	
Green Meadow Drain	Approximately 0.7 mile upstream of Groh Road	+577	+578	Township of Canton.
	Confluence with Tonquish Creek	+683	+684	
Handler Drain	Approximately 850 feet upstream of Morton Taylor Road	+687	+686	City of Gibraltar, City of Trenton.
	Confluence with Trenton Channel	+577	+578	
Head Drain	Upstream side of Toledo Avenue	+577	+578	Township of Sumpter, Township of Van Buren.
	Downstream side of Bemis Road	None	+670	
Huntington Creek	Downstream side of Lohr Road	None	+684	City of Riverview.
	Confluence with Trenton Channel	+577	+579	
Huntington Creek	Approximately 1,250 feet downstream of Electric Avenue	+578	+579	City of Wyandotte.
	Approximately 60 feet east of the intersection of Pennsylvania Avenue and 13th Street.	None	+583	
Huron River	Approximately 50 feet east of the intersection of Pennsylvania Avenue and 13th Street.	None	+583	Charter Township of Brownstown.
	Confluence with Lake Erie	+577	+578	
Huron River	Approximately 0.75 mile northwest of the intersection of Jefferson Avenue and Harbin Road.	+577	+578	Township of Huron.
	Approximately 1,450 feet southeast of the intersection of Huron River Drive and River Lane.	None	+597	
Jefferson Ave Diversion	Approximately 1,300 feet southeast of the intersection of Huron River Drive and River Lane.	None	+597	City of Riverview.
	Confluence with Trenton Channel	+577	+579	
Johnson Drain	Downstream side of Jefferson Avenue	+578	+579	Charter Township of Plymouth, Township of Northville.
	Approximately 300 feet upstream of Fairbrook	None	+788	
	Approximately 0.8 mile upstream of 5 Mile Road	+841	+840	

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Johnson Drain Tributary	Confluence with Johnson Drain	None	+811	Township of Northville.
	Approximately 0.5 mile upstream of 7 Mile Road	None	+857	
Jones Drain	Confluence with Huron River	+577	+578	Charter Township of Brownstown.
	Downstream side of Main Park Road	+577	+578	Township of Sumpter.
King Drain	Confluence with North Branch Swan Creek	None	+633	
	Approximately 0.6 mile downstream of Judd Road	None	+637	Charter Township of Brownstown.
Lake Erie	Entire shoreline of Lake Erie within Wayne County	+577	+578	
Lake St. Clair	Entire shoreline of Lake St. Clair within Wayne County ...	None	+579	City of Grosse Pointe Farms, City of Grosse Pointe.
Lake St. Clair	Entire shoreline of Lake St. Clair within Wayne County ...	+578	+579	Village of Grosse Pointe Shores, City of Grosse Pointe Park.
Lamke Drain	Confluence with Bradshaw Drain	None	+647	Township of Sumpter.
	Downstream side of Sherwood Road	None	+651	
Lords Drain	Confluence with Disbrow Drain	None	+628	Township of Sumpter.
	Downstream side of Sumpter Road	None	+639	
Lower River Rouge	Upstream side of Hannan Road	None	+653	Township of Canton.
	Upstream side of Ridge Road	None	+713	
Marsh Creek	Approximately 400 feet south of Van Horn Road	None	+586	City of Trenton.
	Upstream side of Van Horn Road	None	+586	
	Approximately 1400 feet northwest of the intersection of Marian Drive and Longmeadow Drive.	None	+589	
McCloughrey Drain	Downstream side of Van Born Road	None	+663	City of Wayne, City of Romulus, Township of Van Buren.
	Downstream side of N I-275	None	+669	Charter Township of Brownstown.
Morrison Drain	Confluence with Silver Creek	+577	+578	
	Approximately 700 feet downstream of Woodruff Road ...	+577	+578	Township of Huron, Township of Sumpter.
Mosquito Drain	Upstream side of Clark Road	None	+624	
	Downstream side of Haggerty Road	None	+628	Township of Canton.
Mott Drain	Downstream side of Sheldon Road	None	+672	
	Confluence with Lower River Rouge	None	+672	Township of Sumpter.
No. 1 Drain	Confluence with North Branch Swan Creek	None	+648	
	Approximately 110 feet downstream of Willis Road	None	+652	Township of Sumpter.
No. 3 Drain	Confluence with North Branch Swan Creek	None	+656	
	Downstream side of Clay Road	None	+658	City of Ecorse, City of Lincoln Park.
North Branch Ecorse Creek ..	Confluence with Ecorse Creek	+577	+578	
	Approximately 1,300 feet downstream of Mill Street	+577	+578	City of Melvindale.
North Branch Ecorse Creek ..	Approximately 90 feet downstream of Frank Avenue	None	+591	
	Approximately 500 feet east of Enterprise Drive	None	+594	Township of Huron, Township of Sumpter.
North Branch Swan Creek (lower).	Downstream side of Clark Road	None	+626	
	Downstream side of Judd Road	None	+645	Township of Sumpter, Township of Van Buren.
North Branch Swan Creek (upper).	Upstream side of Elwell Road	None	+677	
Olmstead Drain	Downstream side of Rawsonville Road	None	+689	City of Flat Rock.
	Confluence with Smith Creek	None	+587	
	Downstream side of Olmstead Road	None	+587	Township of Sumpter.
Pickering Drain	Confluence with North Branch Swan Creek	None	+632	
	Upstream side of Haggerty Road	None	+632	City of Detroit.
River Rouge	Confluence with Detroit River	None	+578	
	Approximately 0.5 mile upstream of Jefferson Avenue	None	+578	City of River Rouge.
River Rouge	Confluence with Detroit River	+577	+578	
	Approximately 0.5 mile upstream of Jefferson Avenue	+577	+578	City of River Rouge.
Shortcut Canal	Confluence with Detroit River	+577	+578	
	Confluence with River Rouge	+577	+578	Charter Township of Brownstown, City of Rockwood
Silver Creek	Approximately 400 feet downstream of Jefferson Avenue	+577	+578	
	Downstream side of Railroad	+577	+578	

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
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Silver Creek	Approximately 1,300 feet southwest of the intersection of Woodruff Road and Torry Avenue.	None	+586	City of Rockwood.
	Approximately 1,650 feet southwest of the intersection of Woodruff Road and Torry Avenue.	None	+586	
Sines Drain	Confluence with Lower River Rouge	None	+667	Township of Canton, Township of Van Buren.
Smith Creek (lower)	Downstream side of Mott Road	None	+707	Charter Township of Brownstown, City of Rockwood.
	Confluence with Silver Creek	+577	+578	
Smith Creek (lower)	Downstream side of Huron River Drive	+577	+578	City of Flat Rock, Charter Township of Brownstown, City of Woodhaven.
	Upstream side of S I-75	None	+587	
Smith Creek (upper)	Approximately 875 feet downstream of Telegraph Road ..	None	+599	Charter Township of Brownstown, Township of Huron.
	Upstream side of Beech Daly Road	None	+607	
Smith Drain	Upstream side of Inkster Road	None	+616	City of Detroit.
	Upstream side of Puritan Street	None	+617	
South Branch Tonquish Creek.	Approximately 160 feet upstream of Puritan Street	None	+617	Charter Township of Plymouth, City of Plymouth.
	Upstream side of Main Street	+707	+703	
Thorofare Canal	Downstream of Beck Road	None	+790	Township of Grosse Ile.
	Confluence with Trenton Channel	+577	+578	
Tonquish Creek	Confluence with Detroit River	+577	+578	Township of Canton, Charter Township of Plymouth, City of Plymouth.
	Approximately 300 feet downstream of Holiday Boulevard	None	+660	
Tonquish Creek	Downstream side of Territorial Road	None	+770	City of Livonia.
	Approximately 1,100 feet downstream of Wayne Road	None	+636	
Travis Drain	Approximately 700 feet downstream of Wayne Road	None	+636	Township of Canton.
	Confluence with Willow Creek	None	+680	
Trenton Channel	Downstream side of Sheldon Road	None	+680	City of Gibraltar, City of Riverview, City of Trenton, City of Wyandotte, Township of Grosse Ile.
	Confluence with Lake Erie	+577	+578	
Upper River Rouge	Confluence with Detroit River	+577	+579	City of Detroit, Township of Redford.
	Confluence with River Rouge	None	+617	
Weightman and Branch Drain	Approximately 1,800 feet upstream of 6 Mile Road	+626	+625	Township of Sumpter.
	Confluence with North Branch Swan Creek	None	+638	
Willow Creek	Approximately 0.5 mile upstream of North Branch Swan Creek.	None	+638	Township of Canton.
	Approximately 1,800 feet upstream of Lotz Road	+668	+669	
	Downstream side of Canton Center Road	+707	+702	

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ADDRESSES

Charter Township of Brownstown

Maps are available for inspection at 21313 Telegraph Road, Brownstown, MI 48183.

Charter Township of Plymouth

Maps are available for inspection at 9955 North Haggerty Road, Plymouth, MI 48170.

City of Belleville

Maps are available for inspection at 6 Main Street, Belleville, MI 49615.

City of Detroit

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Maps are available for inspection at 660 Woodward Avenue, Suite 1800, Detroit, MI 48226.

City of Ecorse

Maps are available for inspection at 3869 West Jefferson Avenue, Ecorse, MI 48229.

City of Flat Rock

Maps are available for inspection at 25500 Gibraltar Road, Flat Rock, MI 48134.

City of Gibraltar

Maps are available for inspection at 29450 Munro Avenue, Gibraltar, MI 48173.

City of Grosse Pointe

Maps are available for inspection at 17147 Maumee Avenue, Grosse Pointe, MI 48230.

City of Grosse Pointe Farms

Maps are available for inspection at 90 Kerby Road, Grosse Pointe Farms, MI 48236.

City of Grosse Pointe Park

Maps are available for inspection at 15115 East Jefferson Avenue, Grosse Pointe Park, MI 48230.

City of Lincoln Park

Maps are available for inspection at 500 Southfield Road, Lincoln Park, MI 48146.

City of Livonia

Maps are available for inspection at 33000 Civic Center Drive, Livonia, MI 48154.

City of Melvindale

Maps are available for inspection at 3100 Oakwood Boulevard, Melvindale, MI 48122.

City of Plymouth

Maps are available for inspection at 201 South Main Street, Plymouth, MI 48170.

City of River Rouge

Maps are available for inspection at 10600 W. Jefferson Avenue, River Rouge, MI 48218.

City of Riverview

Maps are available for inspection at 14100 Civic Park Drive, Riverview, MI 48193.

City of Rockwood

Maps are available for inspection at 32409 Fort Road, Rockwood, MI 48173.

City of Romulus

Maps are available for inspection at 11111 Wayne Road, Romulus, MI 48174.

City of Southgate

Maps are available for inspection at 14400 Dix-Toledo Highway, Southgate, MI 48195.

City of Taylor

Maps are available for inspection at 25605 Northline Road, Taylor, MI 48180.

City of Trenton

Maps are available for inspection at 2674 West Jefferson, Trenton, MI 48183.

City of Wayne

Maps are available for inspection at 4001 South Wayne Road, Wayne, MI 48184.

City of Woodhaven

Maps are available for inspection at 21869 West Road, Woodhaven, MI 48183.

City of Wyandotte

Maps are available for inspection at 3131 Biddle Avenue, Wyandotte, MI 48192.

Township of Canton

Maps are available for inspection at 1150 South Canton Center Road, Canton, MI 48188.

Township of Grosse Ile

Maps are available for inspection at 9601 Groh Road, Grosse Ile, MI 48138.

Township of Huron

Maps are available for inspection at 22950 Huron River Drive, New Boston, MI 48164.

Township of Northville

Maps are available for inspection at 44405 Six Mile Road, Northville, MI 48168.

Township of Redford

Maps are available for inspection at 12200 Beech Daly Road, Redford, MI 48239.

Township of Sumpter

Maps are available for inspection at 23480 Sumpter Road, Belleville, MI 48111.

Township of Van Buren

Maps are available for inspection at 46425 Tyler Road, Belleville, MI 48111.

Village of Grosse Pointe Shores

Maps are available for inspection at 795 Lake Shore Road, Grosse Pointe Shores, MI 48236.

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

Dated: February 26, 2009.

Michael K. Buckley,

Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9-6586 Filed 3-24-09; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1032]

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You may submit comments, identified by Docket No. FEMA-B-1032, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3151, or (e-mail) bill.blanton@dhs.gov.

FOR FURTHER INFORMATION CONTACT:

William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3151 or (e-mail) bill.blanton@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: