

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

## City of San Angelo

Maps are available for inspection at PO BOX 1751, San Angelo, TX 76902.

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

Dated: March 2, 2009.

## Michael K. Buckley,

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

[FR Doc. E9-6711 Filed 3-24-09; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

## Federal Emergency Management Agency

## 44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1045]

## 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-xxxx, 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](mailto: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 (email) [bill.blanton@dhs.gov](mailto: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:

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**Crittenden County, Arkansas, and Incorporated Areas**

Mississippi River .....	Approximately at River Mile 741 .....	None	+234	Crittenden County.
	Approximately at River Mile 750 .....	None	+237	
	Approximately at River Mile 700 .....	None	+212	
	Approximately at River Mile 727 .....	None	+226	

\* 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 William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**Crittenden County**

Maps are available for inspection at County Courthouse, 85 Jackson Street, Marion, AR 72482.

**Mississippi County, Arkansas, and Incorporated Areas**

Mississippi River .....	Approximately at River Mile 755 .....	None	+238	Unincorporated Areas of Mississippi County, City of Luxora.
	Approximately at River Mile 818 .....	None	+268	

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**ADDRESSES**

**City of Luxora**

Maps are available for inspection at 204 North Main Street, Luxora, AR 72358.

**Unincorporated Areas of Mississippi County**

Maps are available for inspection at 200 West Walnut, Blytheville, AR 8707635110.

**Phillips County, Arkansas, and Incorporated Areas**

Mississippi River .....	Approximately at River Mile 664 .....	None	+198	Unincorporated Areas of Phillips County.
	Approximately at River Mile 673 .....	None	+202	
	Approximately at River Mile 618 .....	None	+174	
	Approximately at River Mile 662 .....	None	+197	

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**ADDRESSES**

**Unincorporated Areas of Phillips County**

Maps are available for inspection at 620 Cherry Street, Suite 208, Helena, AR 72342.

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<b>Garvin County, Oklahoma, and Incorporated Areas</b>				
Beef Creek .....	Approximately 350 feet upstream of the confluence with Washita River.	None	+924	Garvin County.
Washita River .....	Just downstream of East 1520 Road .....	None	+956	Town of Erin Springs.
	Approximately 6,500 feet upstream of Highway 76 .....	None	+979	
	Approximately 7,000 feet upstream of Highway 76 .....	None	+979	

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#### ADDRESSES

##### Garvin County

Maps are available for inspection at 201 W. Grant Avenue, Pauls Valley, OK 73075.

##### Town of Erin Springs

Maps are available for inspection at 201 W. Grant Avenue, Pauls Valley, OK 73075.

<b>Lamar County, Texas, and Incorporated Areas</b>				
Baker Branch .....	Approximately 799 feet downstream of Loop 286 .....	None	+503	City of Paris, Unincorporated Areas of Lamar County.
Baker Branch Tributary #10 ..	Approximately 1,002 feet upstream of Bonham Street	None	+572	City of Paris, Unincorporated Areas of Lamar County.
	Just downstream of the confluence with Baker Branch	None	+537	
Baker Branch Tributary #24 ..	Approximately 503 feet upstream of Sherman Street ..	None	+560	City of Paris, Unincorporated Areas of Lamar County.
	Just upstream of the confluence with Baker Branch ...	None	+508	
Big Sand Creek Tributary #7	Approximately 59 feet downstream of 7th Street .....	None	+513	City of Paris, Unincorporated Areas of Lamar County.
	Just downstream of the confluence with Big Sandy Creek.	None	+532	
Big Sandy Creek .....	Approximately 708 feet upstream of 17th Street .....	None	+569	City of Paris, Unincorporated Areas of Lamar County.
	Approximately 1,300 feet downstream of Loop 286 ....	None	+494	
Big Sandy Creek Tributary #16.	Approximately 475 feet upstream of Sherman Street ..	None	+571	City of Paris, Unincorporated Areas of Lamar County.
	Just upstream of the confluence with Big Sandy Creek Tributary #4.	None	+536	
Big Sandy Creek Tributary #2.	Just upstream of Cherry Street .....	None	+568	City of Paris, Unincorporated Areas of Lamar County.
	Just upstream of the confluence with Big Sandy Creek.	None	+502	
Big Sandy Creek Tributary #3.	Approximately 647 feet upstream of Lamar Avenue ...	None	+546	City of Paris, Unincorporated Areas of Lamar County.
	Just upstream of Houston Street .....	None	+557	
Big Sandy Creek Tributary #4.	Just upstream of the confluence with Big Sandy Creek.	None	+588	City of Paris, Unincorporated Areas of Lamar County.
	Just downstream of the confluence with Big Sandy Creek.	None	+516	
Big Sandy Creek Tributary #8.	Approximately 888 feet upstream of Price Street .....	None	+562	City of Paris, Unincorporated Areas of Lamar County.
	Just downstream of the confluence with Big Sandy Creek.	None	+546	

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Cottonwood Branch Tributary #11.	Approximately 1,045 feet upstream of Hearon Street	None	+574	City of Paris, Unincorporated Areas of Lamar County.
	Approximately 75 feet downstream of Old Brookston Road.	None	+516	
Pine Creek Tributary #12 .....	Approximately 377 feet upstream of Austin Street .....	None	+584	City of Paris, Unincorporated Areas of Lamar County.
	Approximately 852 feet downstream of the confluence with Pine Creek Tributary #13.	None	+506	
Pine Creek Tributary #13 .....	Approximately 194 feet downstream of the confluence with Old City Lake.	None	+524	City of Paris, Unincorporated Areas of Lamar County.
	Just upstream of the confluence with Pine Creek Tributary #12.	None	+508	
Smith Creek .....	Approximately 184 feet upstream of 28th Street .....	None	+557	City of Paris, Unincorporated Areas of Lamar County.
	Just downstream of the confluence with Smith Creek Tributary #15.	None	+518	
Smith Creek Tributary #15 ....	Just upstream of Center Street .....	None	+521	City of Paris, Unincorporated Areas of Lamar County.
	Just upstream of Center Street .....	None	+524	
Stillhouse Creek Tributary #20.	Approximately 236 feet downstream of Houston Street.	+581	+588	City of Paris, Unincorporated Areas of Lamar County.
	Approximately 227 feet downstream of Spur 139 .....	None	+514	
Stillhouse Creek Tributary #21.	Approximately 44 feet upstream of Ridgeview Street ..	None	+573	City of Paris, Unincorporated Areas of Lamar County.
	Just downstream of the confluence with Stillhouse Creek Tributary #20.	None	+526	
Stillhouse Creek Tributary #22.	Approximately 32 feet downstream of Belmont Street	None	+581	City of Paris, Unincorporated Areas of Lamar County.
	Just downstream of Highway 195 .....	None	+508	
Stillhouse Creek Tributary #23.	Approximately 170 feet upstream of Loop 535 .....	None	+537	City of Paris, Unincorporated Areas of Lamar County.
	Just downstream of the confluence with Stillhouse Creek Tributary #22.	None	+521	
	Approximately 43 feet downstream of Loop 286 .....	None	+539	

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**ADDRESSES**

**City of Paris**

Maps are available for inspection at PO Box 9037, Paris, TX 75461-9037.

**Unincorporated Areas of Lamar County**

Maps are available for inspection at 119 N Main Street, Paris, TX 75460.

**Montgomery County, Texas, and Incorporated Areas**

Alligator Creek Flooding Effects, its West Branch and its West Fork.	At the confluence of West Fork of San Jacinto River and Alligator Creek.	None	+133	Unincorporated Areas of Montgomery County, City of Conroe.
	Approximately 375 feet upstream of Hillcrest Road ....	None	+195	
	Approximately 650 feet upstream of Hillcrest Road ....	None	+215	
	Just upstream of State Highway 336 and Alligator Creek.	None	+238	
Arnold Branch Flooding Effects.	At the confluence of Mink Branch and Arnold Branch	None	+203	Unincorporated Areas of Montgomery County.

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Bear Branch Flooding Effects	Approximately 800 feet downstream of Grand Oaks Boulevard.	None	+214	Unincorporated Areas of Montgomery County.
	Approximately 2,100 feet upstream of Nichols Sawmill Road.	None	+227	
	Approximately 2.34 miles downstream of Doodson Road.	None	+246	
	Approximately 2,500 feet downstream of Sawdust Road.	None	+117	
	Just downstream of Woodlands Parkway .....	None	+123	
	At the confluence of Panther Branch and Bear Branch	None	+140	
Bee Branch Flooding Effects	Approximately 100 feet downstream from Kuykendahl Road.	None	+157	Unincorporated Areas of Montgomery County.
	Approximately 1.1 miles upstream of the confluence with Jayhawker Creek and Bee Branch.	None	+129	
Bens Branch .....	Just upstream of Fostoria Road .....	None	+142	Unincorporated Areas of Montgomery County.
	Approximately 620 feet downstream from the Loop 494.	None	+79	
Brushy Creek Flooding Effects.	Just downstream of Loop 494 .....	None	+80	Unincorporated Areas of Montgomery County.
	At the confluence of Spring Creek and Brushy Creek	None	+187	
Camp Creek Flooding Effects and its Tributaries.	Approximately 4,550 feet upstream from the confluence of Threemile Creek and Brushy Creek.	None	+214	Unincorporated Areas of Montgomery County, City of Willis.
	Just upstream of Rogers Road .....	None	+306	
Caney Creek Flooding Effects.	Just upstream of African Hill Road .....	None	+337	Unincorporated Areas of Montgomery County, City of Cut 'N Shoot.
	At the confluence of Peach Creek and Caney Creek ..	None	+70	
Caney Creek North Flooding Effects.	At the confluence of McRae Creek and Caney Creek	None	+183	Unincorporated Areas of Montgomery County.
	Approximately 6,500 feet upstream of Bilnoski Road ..	None	+268	
	Approximately 9,000 feet upstream of Mt. Zion Road	None	+282	
	Approximately 15,500 feet upstream of confluence with Caney Creek.	None	+285	
Carters Slough Flooding Effects.	At the confluence of Caney Creek Tributary No. 4 and Caney Creek North.	None	+202	Unincorporated Areas of Montgomery County.
	At the confluence of Kelly Branch and Caney Creek North.	None	+220	
Crystal Creek Flooding Effects.	At the confluence of West Fork of San Jacinto River and Carters Slough.	None	+108	Unincorporated Areas of Montgomery County, City of Conroe, City of Cut 'N Shoot.
	Just upstream of unnamed Railroad and Carters Slough.	None	+124	
Decker Branch Flooding Effects and its Tributaries.	At the confluence of West Fork of San Jacinto River and Crystal Creek.	None	+109	Unincorporated Areas of Montgomery County, City of Conroe, City of Cut 'N Shoot.
	At the confluence of West Fork of Crystal Creek and Crystal Creek.	None	+143	
	At the confluence of Crystal Creek Tributary No. 4 and Crystal Creek.	None	+193	
	At the confluence of Crystal Creek Tributary No. 7 and Crystal Creek.	None	+240	
Dry Creek Flooding Effects and its Tributaries.	Approximately 0.5 miles upstream of State Highway 75.	None	+307	Unincorporated Areas of Montgomery County.
	At the confluence of Mill Creek .....	None	+157	
	Approximately 350 feet downstream from FM 1774 County Highway.	None	+208	
Dry Creek No. 2, its Tributaries and Flooding Effects.	Approximately 440 feet upstream from Tree Meadow Road.	None	+219	Unincorporated Areas of Montgomery County, City of Conroe.
	At the confluence of Caney Creek and Dry Creek .....	None	+93	
Dry Creek No. 2, its Tributaries and Flooding Effects.	Just upstream of Massey Road and Dry Creek .....	None	+157	Unincorporated Areas of Montgomery County.
	At the confluence of unnamed intermittent river .....	None	+195	
	Approximately 190 feet downstream from Smith-Dobbin Road.	None	+214	

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Duck Creek Flooding Effects	At the confluence of Peach Creek and Duck Creek ....	None	+151	Unincorporated Areas of Montgomery County.
Goodson Branch Flooding Effects and its Tributaries.	Approximately 4,000 feet upstream of Duff Road .....	None	+191	Unincorporated Areas of Montgomery County.
	At the confluence of Decker Branch Tributary No. 1 and Goodson Branch.	None	+188	
	Approximately 176 feet downstream from Goodson Loop.	None	+217	
Hightower Branch Flooding Effects.	At the confluence of Peach Creek and Hightower Branch.	None	+120	Unincorporated Areas of Montgomery County.
	Approximately 9,800 feet upstream of the confluence with Peach Creek and Hightower Branch.	None	+135	
Jayhawker Creek Flooding Effects.	Approximately 4,000 feet upstream of the confluence with Bee Branch and Jayhawker Creek.	None	+128	Unincorporated Areas of Montgomery County.
	Approximately 7,300 feet upstream of unnamed Railroad.	None	+147	
Lake Creek Flood Effects, its Tributaries and unnamed Streams.	At the confluence of West Fork of San Jacinto River and Lake Creek.	None	+133	Unincorporated Areas of Montgomery County.
	At the confluence of Lake Creek Tributary No. 2 and Lake Creek.	None	+152	
	At the confluence of Landrum Creek and Lake Creek	None	+195	
Lawrence Creek Flooding Effects.	Aproximately 5,760 feet upstream of the confluence with Kidhaw Branch and Lake Creek.	None	+260	Unincorporated Areas of Montgomery County.
	At the confluence of Peach Creek and Lawrence Creek.	None	+146	
Little Caney Creek No. 3 Flooding Effects.	Aproximately 1,500 feet downstream of Walker Road and Lawrence Creek.	None	+191	Unincorporated Areas of Montgomery County.
	Approximately 2,800 feet downstream from Mount Mariah Road.	None	+223	
Little Lake Creek Flooding Effects.	Approximately 4,300 feet upstream of Mount Mariah Road.	None	+228	Unincorporated Areas of Montgomery County.
	At the confluence of Little Lake Creek Tributary No. 6 and Little Lake Creek.	None	+202	
Mares Branch Flooding Effects.	Just upstream of FM11097 County Highway .....	None	+305	Unincorporated Areas of Montgomery County.
	At the confluence of Peach Creek and Mares Branch	None	+96	
McRae Creek Flooding Effects.	Approximately 7,000 feet upstream of the confluence of Peach Creek and Mares Branch.	None	+98	Unincorporated Areas of Montgomery County.
	At the confluence of Caney Creek and McRae Creek	None	+184	
Mill Creek Flooding Effects and its Tributaries.	Approximately 9,850 feet upstream of Tanyard Road	None	+335	Unincorporated Areas of Montgomery County.
	At the confluence of Spring Creek and Mill Creek .....	None	+156	
	Just upstream of unnamed Railroad .....	None	+172	
Mink Branch Flooding Effects	At the confluence of Tributary No. 2 and Mill Creek ...	None	+190	Unincorporated Areas of Montgomery County.
	At the confluence of Mill Creek Tributary No. 6 .....	None	+214	
	At the confluence of Walnut Creek and Mink Branch ..	None	+189	
Orton Gully Flooding Effects	At the confluence of Arnold Branch and Mink Branch	None	+203	Unincorporated Areas of Montgomery County.
	Approximately 1,500 feet downstream of Old Hempstead Road.	None	+249	
Panther Branch Flooding Effects.	At the confluence of East Fork of San Jacinto River and Orton Gully.	None	+72	Unincorporated Areas of Montgomery County.
	Approximately 750 feet upstream of Cambridge Boulevard.	None	+91	
Peach Creek Flooding Effects and its Tributaries.	At the confluence of Spring Creek and Panther Branch.	None	+108	Unincorporated Areas of Montgomery County, City of Conroe, Town of Shenandoah.
	Just upstream of Magnolia Conroe Road .....	None	+181	
	Just upstream of FM 1488 County Highway .....	None	+191	
Peach Creek Flooding Effects and its Tributaries.	At the confluence of Caney Creek and Peach Creek ..	None	+70	Unincorporated Areas of Montgomery County, City of Splendora, Village of Patton Village, Village of Woodbranch.
	Approximately 15,000 feet upstream of the confluence with Duck Creek and Peach Creek.	None	+164	

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Pole Creek Flooding Effects	Approximately 17,000 feet upstream of the confluence with Peach Creek Tributary No. 3 and Peach Creek.	None	+340	Unincorporated Areas of Montgomery County.
	Approximately 16,500 feet upstream of the confluence with Peach Creek.	None	+367	
	At the confluence with Little Lake Creek and Pole Creek.	None	+239	
Sand Branch No. 2 Flooding Effects.	Approximately 10,000 feet upstream of Martha Williams Road.	None	+297	Unincorporated Areas of Montgomery County.
	At the confluence with Little Lake Creek and Sand Branch No. 2.	None	+243	
Silverdale Creek Flooding Effects.	Approximately 18,000 feet upstream of the confluence with Little Lake Creek and Sand Branch No. 2.	None	+314	Unincorporated Areas of Montgomery County, City of Conroe.
	At the confluence of West Fork of San Jacinto River and Silverdale Creek.	None	+126	
Spring Branch Flooding Effects.	Just upstream of Wagers Street .....	None	+187	Unincorporated Areas of Montgomery County.
	At the confluence of Carney Creek and Spring Branch	None	+95	
Spring Branch No. 2 Flooding Effects.	Approximately 2,600 feet upstream of East Old Highway 105 Road.	None	+176	Unincorporated Areas of Montgomery County.
	Approximately 1,500 feet upstream from the confluence with Landrum Creek and Spring Branch No. 2.	None	+202	
Spring Creek Flooding Effects into Sam Bell Gully Diversion Channel.	Just upstream of Spring Branch Road .....	None	+264	Unincorporated Areas of Montgomery County, City of Oak Ridge North.
	At the confluence of Spring Creek and Sam Bell Gully	None	+100	
Spring Creek, its Tributaries, Intermittent Streams and Flooding Effects for areas north of Spring Creek.	At the confluence of Sam Bell Gully Tributary Diversion Channel and Spring Creek.	None	+117	Unincorporated Areas of Montgomery County, City of Houston.
	Approximately 1,150 feet upstream from Woodson Road.	None	+136	
	At the confluence of West Fork of San Jacinto River and Spring Creek.	None	+67	
Stewart Creek Flooding Effects.	At the confluence of Sam Bell Gully Diversion Channel and Spring Creek.	None	+100	Unincorporated Areas of Montgomery County, City of Conroe, City of Panorama Village.
	At the confluence of Mill Creek and Spring Creek .....	None	+156	
	At the confluence of Walnut Creek and Spring Creek	None	+169	
Sulphur Branch Flooding Effects.	Approximately 330 feet upstream of SH 336 .....	None	+148	Unincorporated Areas of Montgomery County, City of Conroe, City of Panorama Village.
	At the confluence of Stewarts Creek Tributary No. 1 and Stewarts Creek.	None	+208	
	Approximately 4,000 feet upstream of FM 830 County Highway.	None	+292	
Threemile Creek Flooding Effects.	At the confluence of Walnut Creek and Sulfer Branch	None	+178	Unincorporated Areas of Montgomery County, City of Stagecoach, Town of Magnolia.
	Just upstream of Greek Oak Road .....	None	+218	
Walnut Creek Flooding Effects.	Approximately 75 feet downstream from Magnolia Conroe Street.	None	+273	Unincorporated Areas of Montgomery County.
	At the confluence of Brushy Creek and Threemile Creek.	None	+208	
West Fork of Spring Branch Flooding Effects.	Approximately 4,300 feet upstream from the confluence of Brushy Creek and Threemile Creek.	None	+211	Unincorporated Areas of Montgomery County, City of Stagecoach.
	At the confluence of Spring Creek and Walnut Creek	None	+168	
West Fork of Spring Branch Flooding Effects.	At the confluence of Mink Branch and Walnut Creek ..	None	+189	Unincorporated Areas of Montgomery County.
	At the confluence of Log Gully and Walnut Creek .....	None	+195	
	Approximately 3,200 feet upstream from unnamed Tributary.	None	+223	
	At the confluence of Spring Branch and West Fork of Spring Branch.	None	+129	

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White Oak Creek Flooding Effects.	Approximately 3,300 feet upstream of Pine Road .....	None	+191	Unincorporated Areas of Montgomery County.
	Approximately 20,000 feet downstream of unnamed Railroad.	None	+67	
	Approximately 5,100 feet downstream of unnamed Railroad.	None	+80	
Woodsons Gully Flooding Effects.	At the confluence of West Fork of San Jancinto River and Woodsons Gully.	None	+78	Unincorporated Areas of Montgomery County.
	Approximately 15,100 feet upstream of Riley Fuzzel Road.	None	+111	

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**ADDRESSES**

**City of Conroe**

Maps are available for inspection at 505 West Davis, Conroe, TX 77301.

**City of Cut 'N Shoot**

Maps are available for inspection at 14391 East Highway 105, Cut 'N Shoot, TX 77303.

**City of Houston**

Maps are available for inspection at 611 Walker Road, Houston, TX 77002.

**City of Oak Ridge North**

Maps are available for inspection at 27326 Robinson Road, Suite 115, Conroe, TX 77385.

**City of Panorama Village**

Maps are available for inspection at 98 Hiwon Drive, Panorama Village, TX 77304.

**City of Splendor**

Maps are available for inspection at 16940 Main Street, Splendor, TX 77372.

**City of Stagecoach**

Maps are available for inspection at 16022 Westward Ho, Mongolia Texas, TX 77355.

**City of Willis**

Maps are available for inspection at P.O. Box 436, Willis, TX 77378.

**Town of Magnolia**

Maps are available for inspection at 510 Magnolia Blvd, Magnolia, TX 77356.

**Town of Shenandoah**

Maps are available for inspection at 29811 I-45 North, Shenandoah, TX 77381.

**Unincorporated Areas of Montgomery County**

Maps are available for inspection at 301 North Thompson, Suite 210, Conroe, TX 77301.

**Village of Patton Village**

Maps are available for inspection at 16940 Main Street, Splendor, TX 77372.

**Village of Woodbranch**

Maps are available for inspection at 2626 North Woodloch Drive, Conroe, TX 77385.

**Green Lake County, Wisconsin, and Incorporated Areas**

Grand River .....	At Mill Pond Inlet .....	None	+795	Village of Kingston.
	At Mill Pond Dam .....	None	+795	
Green Lake .....	Along the entire Green Lake Shoreline .....	None	+799	City of Green Lake.

\* 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 William R. Blanton, Jr., 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

**City of Green Lake**

Maps are available for inspection at City Hall, 534 Mill Street, Green Lake, WI 54941.

**Village of Kingston**

Maps are available for inspection at Village Hall, 105 West Ann Street, Kingston, WI 53939.

**Outagamie County, Wisconsin, and Incorporated Areas**

AAL Tributary .....	At the confluence with Apple Creek .....	None	+742	City of Appleton.
	Approximately 410 feet upstream of North Lightning Drive.	None	+746	
Apple Creek .....	Approximately 0.92 miles upstream of Garrity Road ...	None	+646	City of Appleton, Unincorporated Areas of Outagamie County, Village of Little Chute.
	Approximately 0.33 miles upstream of U.S. Highway 41.	None	+774	
Apple Creek North .....	At the confluence with Apple Creek .....	None	+729	City of Appleton, Unincorporated Areas of Outagamie County.
	Approximately 90 feet upstream of County Highway E	None	+780	
Apple Creek North Overland Flow.	At the confluence with Apple Creek Northeast .....	None	+737	City of Appleton, Unincorporated Areas of Outagamie County.
	At the divergence from Apple Creek North .....	None	+744	
Apple Creek Northeast .....	At the confluence with Apple Creek .....	None	+721	City of Appleton, Unincorporated Areas of Outagamie County.
	Approximately 0.35 miles upstream of Lanser Lane ...	None	+761	
Apple Creek Overland Flow ..	At the confluence with Apple Creek .....	None	+757	City of Appleton.
	Approximately 0.23 miles above the confluence with Apple Creek.	None	+767	
County Highway JJ Swale ....	At the confluence with Apple Creek .....	None	+729	Unincorporated Areas of Outagamie County.
	Approximately 920 feet upstream of the confluence with Apple Creek.	None	+730	
Fox River .....	Approximately 0.56 miles upstream of State Highway 441.	+704	+703	City of Appleton, Unincorporated Areas of Outagamie County.
	Approximately 200 feet downstream of Appleton Upper Dam.	+725	+728	
Fox River .....	Approximately 0.27 miles downstream of Rapids Croche Dam.	None	+603	Unincorporated Areas of Outagamie County.
	Approximately 0.87 miles downstream of Thilmany Dam.	None	+610	
French Road Overland Flow	At the confluence with French Road Swale .....	None	+738	City of Appleton.
	Approximately 960 feet above the confluence with French Road Swale.	None	+743	
French Road Swale .....	At the confluence with Apple Creek .....	None	+733	City of Appleton.
	At the divergence from Apple Creek North .....	None	+747	
Garners Creek .....	At the confluence with Fox River .....	+662	+660	City of Appleton, Unincorporated Areas of Outagamie County, Village of Combined Locks, Village of Kimberly, Village of Little Chute.
	Approximately 0.28 miles upstream of Stoney Brook Road.	None	+773	
Garners Creek Tributary 1 ....	At the confluence with Garners Creek .....	None	+666	Village of Combined Locks, Unincorporated Areas of Outagamie County.
	Approximately 1.28 miles upstream from Block Road	None	+747	
Garners Creek Tributary 2 ....	At the confluence with Garners Creek .....	None	+698	Unincorporated Areas of Outagamie County.
	Approximately 30 feet upstream of Greenspire Way ...	None	+748	

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	
Garners Creek Tributary 3 ...	At the confluence with Garners Creek .....	None	+711	Unincorporated Areas of Outagamie County.
Garners Creek Tributary 3.1	Approximately 401 feet upstream of Fenceline Drive ..	None	+757	Unincorporated Areas of Outagamie County.
	At the confluence with Garners Creek Tributary 3 .....	None	+733	
Garners Creek Tributary 4 ...	Approximately 0.20 miles from the confluence with Garners Creek Tributary 3.	None	+740	City of Appleton, Unincorporated Areas of Outagamie County.
	Approximately 50 feet downstream of State Highway 441.	None	+753	
Glory Lane Swale .....	At the confluence with Garners Creek .....	None	+753	City of Appleton.
	At the confluence with Apple Creek .....	None	+733	
Mud Creek .....	Approximately 120 feet south of Glory Lane .....	None	+734	Unincorporated Areas of Outagamie County.
	Approximately 1.33 miles downstream of West Spencer Street.	+745	+744	
Mud Creek Tributary 3.2 .....	Approximately 170 feet downstream of North Mayflower Drive.	None	+837	Unincorporated Areas of Outagamie County.
	At the confluence with Mud Creek Tributary 3 .....	None	+774	
Mud Creek Tributary 3.3 .....	Approximately 0.51 miles upstream of Elsner Road ....	None	+805	Unincorporated Areas of Outagamie County.
	At the confluence with Mud Creek Tributary 3 .....	None	+774	
Mud Creek Tributary 3.3.2 ...	Approximately 500 feet upstream of State Highway 15	None	+846	Unincorporated Areas of Outagamie County.
	At the confluence with Mud Creek Tributary 3.3 .....	None	+791	
Mud Creek Tributary 3.3.3 ...	Approximately 100 feet downstream of County Highway JJ.	None	+800	Unincorporated Areas of Outagamie County.
	Approximately 370 feet downstream of Barley Way ....	None	+797	
Wolf River .....	Approximately 150 feet downstream of County Highway JJ.	None	+800	City of New London.
	Approximately 1.13 miles downstream of U.S. Highway 45.	+760	+761	
	Approximately 1.19 miles downstream of U.S. Highway 45.	+760	+761	

\* 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 William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Appleton

Maps are available for inspection at 100 North Appleton Street, Appleton, WI 54911-4799.

##### City of New London

Maps are available for inspection at 405 West Wolf River Avenue, New London, WI 54961.

##### Unincorporated Areas of Outagamie County

Maps are available for inspection at 410 South Walnut Street, Appleton, WI 54911.

##### Village of Combined Locks

Maps are available for inspection at 405 Wallace Street, Combined Locks, WI 54113.

##### Village of Kimberly

Maps are available for inspection at 515 West Kimberly Avenue, Kimberly, WI 54136.

##### Village of Little Chute

Maps are available for inspection at 108 West Main Street, Little Chute, WI 54140.

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

Dated: March 16, 2009.

**Michael K. Buckley,**

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

[FR Doc. E9-6669 Filed 3-24-09; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1034]

#### 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-1034, 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](mailto: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](mailto: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: