

project sponsor registers such source with the Commission on a form and in a manner as prescribed by the Commission, and provides a copy of same to the appropriate agency of the member State.

(ii) Sources of water other than those subject to paragraph (f)(12)(i) of this section, including, but not limited to, public water supply, wastewater discharge or other reclaimed waters, provided such sources are first approved by the Executive Director pursuant to this section. Any request to utilize such source(s) shall be submitted on a form and in a manner as prescribed by the Commission, and shall be subject to review pursuant to the standards set forth in subpart C of this part. Any approval issued hereunder shall be further subject to any approval or authorization required by the member State to utilize such source(s). The notice requirements related to agencies of member States, municipalities and counties contained in paragraph (f)(2) of this section, and the notice requirements contained in paragraph (f)(3) of this section, shall likewise be applicable to any request submitted hereunder.

#### **Subpart D—Terms and Conditions of Approval**

3. In § 806.32, revise paragraph (a) to read as follows:

##### **§ 806.32 Reopening/modification.**

(a) Once a project is approved, the Commission, upon its own motion, or upon petition of the project sponsor or any interested party, may at any time reopen any project approval and make additional orders or otherwise modify or impose such additional conditions that may be necessary to mitigate or avoid adverse impacts or to otherwise protect the public health, safety, and welfare or water resources. Whenever a petition for reopening is filed by an interested party, the burden shall be upon that interested party to show, by a preponderance of the evidence, that a significant adverse impact or a threat to the public health, safety and welfare or water resources exists that warrants reopening of the docket. Notwithstanding the foregoing, any petition filed by a party who previously sought the same or similar relief identified in the petition pursuant to the administrative appeals process under § 808.2 will not be eligible for consideration by the Commission absent new facts not known or readily discernable at the time of consideration of the petitioner's previous request for

administrative appeal filed pursuant to § 808.2.

\* \* \* \* \*

## **PART 808—HEARINGS AND ENFORCEMENT ACTIONS**

### **Subpart A—Conduct of Hearings**

4. The authority citation for Part 808 continues to read as follows:

**Authority:** Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91–575, 84 Stat. 1509 *et seq.*

5. In § 808.1, revise paragraphs (a)(2) and (c) to read as follows:

#### **§ 808.1 Public hearings.**

(a) \* \* \*

(2) Proposed rulemaking.

\* \* \* \* \*

(c) Notice of public hearing. At least 20 days before any public hearing required by the compact, notices stating the date, time, place and purpose of the hearing including issues of interest to the Commission shall be published at least once in a newspaper of general circulation in the area affected. Occasions when public hearings are required by the compact include, but are not limited to, amendments to the comprehensive plan, drought emergency declarations, and review and approval of diversions. In all other cases, at least 10 days prior to the hearing, notice shall be posted at the office of the Commission (or on the Commission Web site), mailed by first class mail to the parties who, to the Commission's knowledge, will participate in the hearing, and mailed by first class mail to persons, organizations and news media who have made requests to the Commission for notices of hearings or of a particular hearing. With regard to rulemaking, the Commission shall convene at least one public hearing on any proposed rulemaking it approves for public review and comment. For any such hearing(s), notices need only be forwarded to the directors of the New York Register, the Pennsylvania bulletin, the Maryland Register and the **Federal Register**, and it is sufficient that this notice appear only in the **Federal Register** at least 20 days prior to the hearing and in each individual State publication at least 10 days prior to any hearing scheduled in that State.

6. In § 808.2, revise paragraph (a) to read as follows:

#### **§ 808.2 Administrative appeals.**

(a) A project sponsor or other person aggrieved by any action or decision of the Commission or Executive Director may file a written appeal requesting a hearing. Except with respect to project

approvals or denials, such appeal shall be filed with the Commission within 30 days of the action or decision. In the case of a project approval or denial, such appeal shall be filed by a project sponsor within 30 days of receipt of actual notice, and by all others within 30 days of publication of notice of the action taken on the project in the **Federal Register**.

Dated: June 18, 2009.

**Paul O. Swartz,**

*Executive Director.*

[FR Doc. E9–15542 Filed 7–1–09; 8:45 am]

BILLING CODE 7040–01–P

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 67**

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1054]

### **Proposed Flood Elevation Determinations**

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

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

**DATES:** Comments are to be submitted on or before September 30, 2009.

**ADDRESSES:** The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1054, 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:

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	
Lee County, Alabama, and Incorporated Areas				
Bird Creek .....	The confluence with Saugahatchee Creek .....	None	+507	Unincorporated Areas of Lee County.
	Approximately 1.9 miles upstream of the confluence with Saugahatchee Creek.	None	+537	
Branch 1 of Saugahatchee Creek.	The confluence with Saugahatchee Creek .....	None	+574	City of Auburn.
Branch 1 of Saugahatchee Creek Tributary 1.	Approximately 622 feet upstream of Dunford Avenue	None	+673	City of Auburn.
	The confluence with Branch 1 of Saugahatchee Creek.	None	+594	
	Approximately 1,505 feet upstream of Shug Jordan Parkway.	None	+646	
Branch 1 of Saugahatchee Creek Tributary 2.	The confluence with Branch 1 of Saugahatchee Creek.	None	+607	City of Auburn.
Branch 2 of Saugahatchee Creek.	Approximately 1,440 feet upstream of Boykin Road ...	None	+678	City of Auburn, Unincorporated Areas of Lee County.
	The confluence with Saugahatchee Creek .....	None	+578	
	Approximately 640 feet of upstream of Gatewood Drive.	None	+693	
Branch 2 of Saugahatchee Creek Tributary 1.	The confluence with Branch 2 of Saugahatchee Creek.	None	+584	City of Auburn, Unincorporated Areas of Lee County.
Branch 2 of Saugahatchee Creek Tributary 2.	Approximately 2,553 feet upstream of the confluence	None	+632	City of Auburn.
	The confluence with Branch 2 of Saugahatchee Creek.	None	+594	
	Approximately 1,581 feet upstream of North Cary Drive.	None	+652	
Branch 2 of Saugahatchee Creek Tributary 3.	The confluence with Branch 2 of Saugahatchee Creek.	None	+606	City of Auburn.

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	
Branch 2 of Saugahatchee Creek Tributary 3.1.	Approximately 171 feet upstream of North Dean Road The confluence with Branch 2 of Saugahatchee Creek Tributary 3.	None None	+716 +637	City of Auburn.
Branch 2 of Saugahatchee Creek Tributary 4.	Approximately 801 feet upstream of Hollins Road ..... The confluence with Branch 2 of Saugahatchee Creek.	None None	+707 +673	City of Auburn.
Branch of Parkerson Mill Creek.	Approximately 201 feet upstream of Rick Drive ..... Approximately 471 feet downstream of Timberwood Drive.	None None	+726 +441	Unincorporated Areas of Lee County, City of Auburn.
Chewacla Creek .....	Approximately 39 feet upstream of Timberwood Drive Approximately 1,500 feet upstream of the Lee County boundary.	None None	+447 +354	City of Auburn, Unincorporated Areas of Lee County.
Chewacla Creek Tributary 12	Approximately 3,592 feet upstream of Lee Road 112 The confluence with Chewacla Creek .....	None None	+557 +550	Unincorporated Areas of Lee County.
Chewacla Creek Tributary 14	Approximately 2,807 feet upstream of Johnson Lake earthen dam. The confluence with Chewacla Creek .....	None None	+558 +539	Unincorporated Areas of Lee County.
Chewacla Creek Tributary 15	Approximately 2,999 feet upstream of the confluence The confluence with Chewacla Creek .....	None None	+548 +533	Unincorporated Areas of Lee County.
Chewacla Creek Tributary 23	Approximately 4,154 feet upstream of the confluence The confluence with Chewacla Creek .....	None None	+555 +436	City of Auburn, Unincorporated Areas of Lee County.
Chewacla Creek Tributary 29	Approximately 157 feet upstream of Springhill Drive ... The confluence with Chewacla Creek .....	None None	+484 +369	Unincorporated Areas of Lee County.
Choctafaula Creek .....	Approximately 3,138 feet upstream of the confluence with Chewacla Creek. Approximately 505 feet upstream of the Lee County boundary.	None None	+384 +375	City of Auburn, Unincorporated Areas of Lee County.
Choctafaula Creek Tributary 10.	Approximately 1.5 miles upstream of Beehive Road ... The confluence with Choctafaula Creek .....	None None	+474 +468	Unincorporated Areas of Lee County.
Choctafaula Creek Tributary 10.1.	Approximately 1,552 feet upstream of earthen dam .... The confluence with Choctafaula Creek .....	None None	+534 +487	Unincorporated Areas of Lee County.
Choctafaula Creek Tributary 9.	Approximately 2,848 feet upstream of the confluence The confluence with Choctafaula Creek .....	None None	+527 +465	City of Auburn, Unincorporated Areas of Lee County.
Cossey Branch .....	Approximately 1.7 feet upstream of Wire Road ..... Approximately 1,954 feet upstream of the Lee County boundary.	None None	+632 +356	Unincorporated Areas of Lee County.
Cossey Branch Tributary 5 ...	Approximately 1.1 miles upstream of Hwy 29 ..... The confluence with Cossey Branch .....	None None	+452 +380	Unincorporated Areas of Lee County.
Cossey Branch Tributary 8 ...	Approximately 5,610 upstream of the confluence ..... The confluence with Cossey Branch .....	None None	+403 +407	Unincorporated Areas of Lee County.
Halawakee Creek Tributary 8	Approximately 1.0 miles upstream of the confluence with Cossey Branch. The confluence with Halawakee Creek .....	None None	+428 +645	City of Opelika, Unincorporated Areas of Lee County.
Halawakee Creek Tributary 8.5.	Approximately 2,282 feet upstream of Jeter Avenue ... The confluence with Halawakee Creek Tributary 8 .....	None None	+748 +649	City of Opelika.
Halawakee Creek Tributary 8.6.	Approximately 2,000 feet upstream of the confluence The confluence with Halawakee Creek Tributary 8 .....	None None	+653 +668	City of Opelika.
	Approximately 254 feet upstream of US Hwy 280 .....	None	+677	

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	
Halawakee Creek Tributary 8.7.	The confluence with Halawakee Creek Tributary 8 .....	None	+679	City of Opelika.
	Approximately 1,067 feet upstream of South Fox Run Parkway.	None	+712	
Halawakee Creek Tributary 8.7.3.	The confluence with Halawakee Creek Tributary 8.7 ..	None	+693	City of Opelika.
	Approximately 4,500 feet upstream of the confluence	None	+718	City of Opelika.
Halawakee Creek Tributary 8.8.	The confluence with Halawakee Creek Tributary 8 .....	None	+679	
	Approximately 269 feet upstream of Jeter Avenue .....	None	+707	City of Opelika.
Halawakee Tributary 8.7.1 ....	The confluence with Halawakee Creek Tributary 8.7 ..	None	+689	
	Approximately 2,538 feet upstream of the confluence	None	+707	City of Opelika.
Halawakee Tributary 8.7.2 ....	The confluence with Halawakee Creek Tributary 8.7 ..	None	+693	
	Approximately 1,585 feet upstream of Hwy 51 .....	None	+717	City of Auburn, Unincorporated Areas of Lee County.
Little Loblockee Creek .....	The confluence with Loblockee Creek .....	None	+598	
	Approximately 2.2 miles upstream of Hwy 280 .....	None	+701	Unincorporated Areas of Lee County.
Loblockee Creek .....	The confluence with Saugahatchee Creek .....	None	+522	
	Approximately 11,694 feet upstream of US Hwy 280 ..	None	+686	Unincorporated Areas of Lee County.
Loblockee Creek Tributary 12	The confluence with Loblockee Creek .....	None	+612	
	Approximately 3,748 feet upstream of the confluence	None	+631	Unincorporated Areas of Lee County, City of Auburn.
Loblockee Creek Tributary 3	The confluence with Loblockee Creek .....	None	+562	
	Approximately 2.0 miles upstream of Farmville Road	None	+666	Unincorporated Areas of Lee County.
Miles Creek .....	Approximately 188 feet upstream of the Lee County boundary.	None	+386	
	Approximately 881 feet upstream of County Road 393	None	+458	Unincorporated Areas of Lee County, City of Auburn, City of Opelika.
Moore's Mill Creek .....	The confluence with Chewacla Creek .....	None	+414	
	Approximately 2.0 miles upstream of Bent Creek Road.	None	+687	City of Auburn.
Moore's Mill Creek Tributary 2.	The confluence with Moore's Mill Creek .....	None	+527	
	Approximately 1,561 feet upstream of VFW Road .....	None	+609	City of Auburn.
Moore's Mill Creek Tributary 3.	The confluence with Moore's Mill Creek .....	None	+531	
	Approximately 86 feet upstream of earthen dam .....	None	+594	City of Auburn.
Moore's Mill Creek Tributary 4.	The confluence with Moore's Mill Creek .....	None	+543	
	Approximately 1,135 feet upstream of Core Drive .....	None	+608	City of Auburn.
Moore's Mill Creek Tributary 5.	The confluence with Moore's Mill Creek .....	None	+553	
	Approximately 85 feet upstream of Lauren Lane .....	None	+628	City of Auburn.
Moore's Mill Creek Tributary 6.	The confluence with Moore's Mill Creek .....	None	+573	
	Approximately 562 feet upstream of Burke Place .....	None	+706	City of Auburn.
Moore's Mill Creek Tributary 6.2.	The confluence with Moore's Mill Creek Tributary 6 ...	None	+618	
	Approximately 3,057 feet upstream of East University Drive.	None	+707	City of Auburn, Unincorporated Areas of Lee County.
Nash Creek .....	The confluence with Chewacla Creek .....	None	+495	
	Approximately 142 feet upstream of Society Hill Road	None	+548	City of Auburn, Unincorporated Areas of Lee County.
Nash Creek Tributary 1 .....	The confluence with Nash Creek .....	None	+537	
	Approximately 2,366 feet upstream of the confluence	None	+578	Unincorporated Areas of Lee County.
Odom Creek .....	The confluence with Cossey Branch .....	None	+412	
	Approximately 1.2 miles upstream of County Road 27	None	+447	

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	
Parkerson Mill Creek .....	The confluence with Chewacla Creek .....	+394	+387	City of Auburn, Unincorporated Areas of Lee County.
Parkerson Mill Creek Tributary 10.	Approximately 2,604 feet upstream of Wire Road .....	None	+645	City of Auburn.
	The confluence with Parkerson Mill Creek .....	None	+597	
Parkerson Mill Creek Tributary 3.	Approximately 2,801 feet upstream of the confluence	None	+650	City of Auburn, Unincorporated Areas of Lee County.
	The confluence with Parkerson Mill Creek .....	None	+514	
Parkerson Mill Creek Tributary 6.	Approximately 1,469 feet upstream of Longleaf Drive	None	+576	City of Auburn, Unincorporated Areas of Lee County.
	The confluence with Parkerson Mill Creek .....	None	+527	
Parkerson Mill Creek Tributary 6.1.	Approximately 367 feet upstream of Webster Road ....	None	+657	City of Auburn, Unincorporated Areas of Lee County.
	The confluence with Parkerson Mill Creek Tributary 6	None	+606	
Parkerson Mill Creek Tributary 6.2.	Approximately 339 feet upstream of Webster Road ....	None	+637	City of Auburn, Unincorporated Areas of Lee County.
	The confluence with Parkerson Mill Creek Tributary 6	None	+587	
Parkerson Mill Creek Tributary 7.	Approximately 116 feet upstream of Raptor Road .....	None	+631	City of Auburn.
	The confluence with Parkerson Mill Creek .....	None	+530	
Parkerson Mill Creek Tributary 7.1.	Approximately 1,557 feet upstream of the confluence with Parkerson Mill Creek Tributary 7.	None	+566	City of Auburn.
	The confluence with Parkerson Mill Creek Tributary 7	None	+546	
Parkerson Mill Creek Tributary 9.	Approximately 538 feet upstream of earthen dam .....	None	+569	City of Auburn.
	The confluence with Parkerson Mill Creek .....	None	+568	
Pepperell Creek .....	Approximately 157 feet upstream of Shug Jordan Parkway.	None	+687	City of Opelika.
	Approximately 120 feet upstream of Gateway Drive ...	None	+710	
Pepperell Creek Tributary 4 ..	Approximately 68 feet upstream of Fruitland Avenue ..	None	+753	City of Opelika.
	The confluence with Pepperell Creek .....	None	+707	
Pepperell Creek Tributary 5 ..	Approximately 2,554 feet upstream of U.S. Hwy 280 ..	None	+753	City of Opelika.
	The confluence with Pepperell Creek .....	None	+711	
Pepperell Creek Tributary 7 ..	Approximately 601 feet upstream of the confluence ...	None	+711	City of Opelika.
	The confluence with Pepperell Creek .....	None	+723	
Pepperell Creek Tributary 8 ..	Approximately 742 feet upstream of South Long Street.	None	+740	City of Opelika.
	The confluence with Pepperell Creek .....	None	+726	
Robinson Creek .....	Approximately 158 feet upstream of Hurst Street .....	None	+740	Unincorporated Areas of Lee County.
	The confluence with Chewacla Creek .....	None	+557	
Rocky Creek .....	Approximately 2.6 miles upstream of Moores Mill Road.	None	+618	City of Opelika.
	Approximately 1,370 feet downstream of India Road ..	None	+717	
Rocky Creek Tributary 6 .....	Approximately 279 feet upstream of Rocky Brook Road.	None	+752	City of Opelika.
	The confluence with Rocky Creek .....	None	+683	
Rocky Creek Tributary 7 .....	Approximately 271 feet upstream of Bonita Avenue ...	None	+720	City of Opelika.
	The confluence with Rocky Creek .....	None	+696	
Rocky Creek Tributary 9 .....	Approximately 146 feet upstream of Preston Street ....	None	+776	City of Opelika.
	The confluence with Rocky Creek .....	None	+719	
Saugahatchee Creek 34.4 ....	Approximately 1,246 feet upstream of the confluence	None	+734	City of Auburn.
	The confluence with Saugahatchee Creek Tributary 34.	None	+589	
Saugahatchee Creek 34.5 ....	Approximately 3,190 feet upstream of Willow Creek Road.	None	+641	City of Auburn, Unincorporated Areas of Lee County.
	The confluence with Saugahatchee Creek Tributary 34.	None	+590	
Saugahatchee Creek 34.5.2	Approximately 5,000 feet upstream of the confluence	None	+658	City of Auburn.
	The confluence with Saugahatchee Creek Tributary 34.5.	None	+599	

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	
Saugahatchee Creek 34.7 ....	Approximately 2,000 feet upstream of the confluence The confluence with Saugahatchee Creek Tributary 34.	None None	+621 +642	City of Auburn.
Saugahatchee Creek Tributary 18.	Approximately 1,115 feet upstream of Martin Luther King Drive. The confluence with Saugahatchee Creek .....	None None	+669 +613	City of Opelika, Unincorporated Areas of Lee County.
Saugahatchee Creek Tributary 29.	Approximately 711 feet upstream of railroad ..... The confluence with Saugahatchee Creek .....	None None	+721 +571	City of Auburn, Unincorporated Areas of Lee County.
Saugahatchee Creek Tributary 34.	Approximately 3,331 feet upstream of the confluence with Saugahatchee Creek. The confluence with Saugahatchee Creek .....	None None	+642 +553	City of Auburn, Unincorporated Areas of Lee County.
Saugahatchee Creek Tributary 34.3.	Approximately 1.7 miles upstream of the confluence with Saugahatchee Creek. The confluence with Saugahatchee Creek Tributary 34.	None None	+688 +568	City of Auburn, Unincorporated Areas of Lee County.
Saugahatchee Creek Tributary 44.	Approximately 3,949 feet upstream of the confluence The confluence with Saugahatchee Creek .....	None None	+614 +540	Unincorporated Areas of Lee County.
Town Creek .....	Approximately 9,127 feet upstream of the confluence The confluence with Chewacla Creek .....	None None	+573 +401	City of Auburn, Unincorporated Areas of Lee County.
Town Creek Tributary 1 .....	Approximately 796 feet upstream of Thach Avenue .... The confluence with Town Creek .....	None None	+601 +460	City of Auburn, Unincorporated Areas of Lee County.
Town Creek Tributary 2 .....	Approximately 602 feet upstream of Donahue Drive ... The confluence with Town Creek .....	None None	+589 +512	City of Auburn.
Town Creek Tributary 3 .....	Approximately 1,319 feet upstream of Janabrooke Lane. The confluence with Town Creek .....	None None	+540 +584	City of Auburn.
Town Creek Tributary 4 .....	Approximately 112 feet upstream of East University Drive. The confluence with Town Creek .....	None None	+614 +590	City of Auburn.
Town Creek Tributary 6 .....	Approximately 404 feet upstream of College Street .... The confluence with Town Creek .....	None None	+654 +631	City of Auburn.
Unnamed Tributary 2 .....	Approximately 331 feet upstream of Thach Avenue .... Approximately 120 feet upstream of the Lee County boundary.	None None	+656 +372	Unincorporated Areas of Lee County.
Untamed Tributary 1 .....	Approximately 1,500 feet upstream of the Lee County boundary. Approximately 52 feet upstream of the Lee County boundary.	None None	+384 +376	Unincorporated Areas of Lee County.
Webb Branch .....	Approximately 976 feet upstream of the Lee County boundary. The confluence with Loblockee Creek .....	None None	+400 +594	Unincorporated Areas of Lee County.
Webb Branch Tributary 3 .....	Approximately 2.7 miles upstream of Farmville Road The confluence with Webb Branch .....	None None	+655 +599	Unincorporated Areas of Lee County.
Webb Branch Tributary 4 .....	Approximately 2,340 feet upstream of the confluence The confluence with Webb Branch .....	None None	+606 +611	Unincorporated Areas of Lee County.
	Approximately 2,461 feet upstream of the confluence	None	+624	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

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

Flooding source(s)	Location of referenced elevation **	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

\*\*BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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

#### ADDRESSES

##### City of Auburn

Maps are available for inspection at 144 Tichenor Avenue, Suite 1, Auburn, AL 36830.

##### City of Opelika

Maps are available for inspection at the Planning Department, 700 Fox Trail, Opelika, AL 36803.

##### Unincorporated Areas of Lee County

Maps are available for inspection at 909 Avenue A, Opelika, AL 36801.

#### Carroll County, Illinois, and Incorporated Areas

Lake Carroll .....	Bounded within the Lake Carroll Blvd. loop .....	None	+746	Unincorporated Areas of Carroll County.
Mississippi River .....	Approximately 1.1 mile downstream of Fairhaven Road extended (approximately 524.8 miles upstream of the confluence with the Ohio River).	+594	+593	Unincorporated Areas of Carroll County.
	Approximately 500 feet upstream of Fairhaven Road extended (approximately 526 miles upstream of the confluence with the Ohio River).	+594	+593	

\* 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

##### Unincorporated Areas of Carroll County

Maps are available for inspection at the Carroll County Courthouse, 301 North Main Street, Mount Carroll, IL 61053.

#### Lincoln County, Nevada, and Incorporated Areas

Clover Creek .....	Approximately 280 feet upstream of confluence with Meadow Valley Wash (Near Caliente).	+4404	+4409	Unincorporated Areas of Lincoln County, City of Caliente.
	Approximately 2.4 miles upstream of confluence with Meadow Valley Wash (Near Caliente).	None	+4473	
Meadow Valley Wash (Near Caliente).	Approximately 0.73 mile downstream of Union Pacific Railroad.	None	# 2	Unincorporated Areas of Lincoln County, City of Caliente.
	Approximately 1,540 feet downstream of Union Pacific Railroad.	None	# 3	
	Approximately 0.73 mile downstream of Union Pacific Railroad.	+4329	+4329	
Meadow Valley Wash (Near Ursine).	Approximately 674 feet upstream of U.S. Hwy 93 .....	+4437	+4438	Unincorporated Areas of Lincoln County.
	Approximately 1.0 mile downstream of North Eagle Valley Rd.	None	+5543	
	Approximately 1150 feet upstream of North Eagle Valley Rd.	None	+5607	

\* 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 Caliente**

Maps are available for inspection at 100 Depot Avenue, Caliente, NV 89008.

**Unincorporated Areas of Lincoln County**

Maps are available for inspection at the Lincoln County Planning and Zoning Department, 181 Main Street, Suite 107, Pioche, NV 89043.

**Davison County, South Dakota, and Incorporated Areas**

Dry Run Creek .....	Approximately 1,554 feet downstream of SD Highway 38.	+1263	+1254	Unincorporated Areas of Davison County, City of Mitchell.
James River .....	Approximately 2,578 feet upstream of 407th Avenue ..	+1302	+1303	Unincorporated Areas of Davison County, City of Mitchell.
	Approximately 1,632 feet downstream of SD Highway 38.	None	+1223	
	Approximately 2.33 miles upstream from 245th Street	None	+1226	

\* 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 Mitchell**

Maps are available for inspection at 612 North Main Street, Mitchell, SD 57301.

**Unincorporated Areas of Davison County**

Maps are available for inspection at 200 East 4th Avenue, Mitchell, SD 57301.

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

Dated: June 15, 2009.

**Edward L. Connor,**

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

[FR Doc. E9-15673 Filed 7-1-09; 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-1060]

**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 September 30, 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-1060, 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).