

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	
Potomac River .....	Approximately 1.5 miles upstream of the Potomac River at Mount Vernon Road. Approximately 1,140 feet east of Carriage House Court. Approximately 1,250 feet south of intersection River Drive and Oak Grove Street.	*9 *9 *9	*10 *10 *10	Unincorporated Areas of Fairfax County.

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**Unincorporated Areas of Fairfax County**

Maps are available for inspection at 12055 Government Center Parkway, Suite 659, Fairfax, VA 22035.

**Randolph County, West Virginia, and Incorporated Areas**

Backwater flooding from Tygart Valley River.	Approximately at the area bounded by Robert E Lee Avenue, Whisperwood Drive and the railroad.	+1913	+1914	City of Elkins.
	Approximately at corporate limits paralleling Sunset Drive.	+1912	+1914	
Craven Run .....	Approximately at downstream corporate limits of City of Elkins.	+1909	+1913	City of Elkins.
	Approximately 630 feet downstream of Virginia Avenue.	+1912	+1913	

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**ADDRESSES**

**City of Elkins**

Maps are available for inspection at City Hall, 2nd Floor, Elkins, WV 26241.

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

**Deborah S. Ingram,**

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

[FR Doc. E9-21607 Filed 9-4-09; 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-1061]**

**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 December 7, 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-1061, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) *kevin.long@dhs.gov*.

**FOR FURTHER INFORMATION CONTACT:**

Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) *kevin.long@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	
<b>Mason County, Illinois, and Incorporated Areas</b>				
Illinois River .....	Approximately 0.2 miles upstream of 750 N. extended	+451	+452	Unincorporated Areas of Mason County.
	Approximately 0.74 miles upstream of Walnut Street extended.	+450	+452	
	Approximately 0.12 miles upstream of 2500 N. extended.	+455	+454	
Sangamon River .....	Approximately 0.1 miles upstream of 2600 N .....	+455	+454	Unincorporated Areas of Mason County.
	Approximately 0.15 miles upstream of County Road 800 E.	None	+456	
	Approximately 0.3 miles upstream of State Highway 78	None	+461	

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**ADDRESSES**

**Unincorporated Areas of Mason County**

Maps are available for inspection at the Mason County Courthouse, Zoning Office, 125 North Plum Street, Havana, IL 62644.

**Saline County, Kansas, and Incorporated Areas**

East Dry Creek Tributary ...	Approximately 0.7 mile downstream of Missouri Pacific Railroad.	None	+1203	City of Salina, Unincorporated Areas of Saline County.
Old Smokey Hill River Channel.	Approximately 0.9 mile upstream of Holmes Road .....	None	+1264	
	Approximately 1.5 miles downstream of Indiana Avenue, at the levee.	None	+1207	Unincorporated Areas of Saline County, City of Salina.
	Approximately 0.5 mile upstream of Ohio Street .....	None	+1225.	

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**ADDRESSES**

**City of Salina**

Maps are available for inspection at 300 West Ash Street, Salina, KS 67402.

**Unincorporated Areas of Saline County**

Maps are available for inspection at 300 West Ash Street, Salina, KS 67402.

**Montgomery County, Kentucky, and Incorporated Areas**

Hinkston Creek .....	Approximately 500 feet upstream of Hinkston Pike (KY 1991).	None	+911	Unincorporated Areas of Montgomery County, City of Mt. Sterling.
	Approximately 100 feet downstream of Calk Lane .....	None	+962	

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**ADDRESSES**

**City of Mt. Sterling**

Maps are available for inspection at 33 North Maysville Street, Mount Sterling, KY 40353.

**Unincorporated Areas of Montgomery County**

Maps are available for inspection at 1 Court Street, Mount Sterling, KY 40353.

**Essex County, Massachusetts (All Jurisdictions)**

Atlantic Ocean .....	Along the shoreline, approximately 350 feet east of the end of 55th Street.	+13	+18	City of Newburyport.
	Along the shoreline, approximately 575 feet north of the intersection of Northern Boulevard and 82nd Street.	+10	+22	

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Atlantic Ocean .....	Along the shoreline, approximately 850 feet east of the intersection of Page Road and Phillips Street.	+9	+16	Town of Newbury, City of Gloucester, Town of Ipswich, Town of Manchester, Town of Marblehead, Town of Nahant, Town of Rowley, Town of Swampscott.
	Along the shoreline, approximately 3,000 feet south of the intersection of Lynnway and Nahant Road.	+1	+17	
Atlantic Ocean .....	Along the shoreline, approximately 150 feet south of State Beach Road.	+11	+12	Town of Salisbury.
	Along the shoreline, approximately 60 feet east of the intersection of Liberty Street and North End Boulevard.	None	+20	
Ipswich River .....	Approximately 150 feet northeast of the Eastern end of Sargent Street.	None	+38	City of Beverly.
	Approximately 1,000 feet north of the intersection of Dodge Street and Norwoods Pond Road.	None	+38	
Long Causeway Brook .....	Approximately 800 feet north of the intersection of Route 1A and North Edge Road.	None	+21	Town of Ipswich.
	Approximately 4,500 feet southwest of the intersection of Route 1A and North Edge Road.	None	+21	
Shawsheen River .....	Approximately 900 feet east of the intersection of Highway 495 and Route 28.	+34	+36	Town of Andover, City of Lawrence, Town of North Andover.
	Approximately 2,500 feet southwest of Burt Road and Biotechnology Drive.	+75	+77	

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#### ADDRESSES

##### City of Beverly

Maps are available for inspection at City Hall, 191 Cabot Street, Beverly, MA 01915.

##### City of Gloucester

Maps are available for inspection at City Hall, 9 Dale Avenue, Gloucester, MA 01930.

##### City of Lawrence

Maps are available for inspection at City Hall, 200 Common Street, Lawrence, MA 01840.

##### City of Newburyport

Maps are available for inspection at City Hall, 60 Pleasant Street, Newburyport, MA 01950.

##### Town of Andover

Maps are available for inspection at the Town Offices, 36 Bartlet Street, Andover, MA 01810.

##### Town of Ipswich

Maps are available for inspection at the Town Hall, 25 Green Street, Ipswich, MA 01938.

##### Town of Manchester

Maps are available for inspection at the Town Hall, 10 Central Street, Manchester-by-the-Sea, MA 01944.

##### Town of Marblehead

Maps are available for inspection at Abbot Hall, 188 Washington Street, Marblehead, MA 01945.

##### Town of Nahant

Maps are available for inspection at the Town Hall, 334 Nahant Road, Nahant, MA 01908.

##### Town of Newbury

Maps are available for inspection at the Town Hall, 25 High Road, Newbury, MA 01951.

##### Town of North Andover

Maps are available for inspection at the Town Hall, 120 Main Street, North Andover, MA 01845.

##### Town of Rowley

Maps are available for inspection at the Town Hall, 139 Main Street, Rowley, MA 01969.

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**Town of Salisbury**

Maps are available for inspection at the Town Hall, 5 Beach Road, Salisbury, MA 01952.

**Town of Swampscott**

Maps are available for inspection at the Town Hall, 22 Monument Avenue, Swampscott, MA 01907.

**Eaton County, Michigan, and Incorporated Areas**

Carrier Creek .....	At the confluence with Moon and Hamilton County Drain. Approximately 550 feet upstream of Grand Trunk Western Railroad.	+841 None	+837 +867	Charter Township of Delta.
Grand River .....	Approximately 5,490 feet upstream of the divergence of Grand River Bypass. Approximately 5,850 feet upstream of the divergence of Grand River Bypass.	None None	+875 +875	Township of Hamlin.
Miller Creek .....	Approximately 50 feet upstream of Willow Highway .....	+807	+808	Charter Township of Delta.
Miller Creek Overflow Channel.	Approximately 700 feet upstream of Ireland Drive .....	+850	+851	Charter Township of Delta.
	Approximately 800 feet upstream of the convergence with Miller Creek. Approximately 1,760 feet upstream of the convergence with Miller Creek.	+823 +825	+822 +828	
Moon and Hamilton County Drain.	Approximately 1,900 feet upstream of Willow Highway	+813	+812	Charter Township of Delta.
	Approximately 4,200 feet upstream of Millett Highway	+872	+869	

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**ADDRESSES**

**Charter Township of Delta**

Maps are available for inspection at 7710 West Saginaw Highway, Delta, MI 48917.

**Township of Hamlin**

Maps are available for inspection at 6463 South Clinton Trail, Eaton Rapids, MI 68827.

**Buffalo County, Nebraska, and Incorporated Areas**

Airport Draw .....	At the confluence with Wood River .....	None	+2119	Unincorporated Areas of Buffalo County, City of Kearney.
Glenwood Park Creek .....	Just downstream of East 56th Street	None	+2179	Unincorporated Areas of Buffalo County, City of Kearney.
	At the confluence with Wood River .....	None	+2140	
Kearney Canal .....	Just downstream of West 39th Street	None	+2229	City of Kearney.
	Approximately 1.0 mile above Cottonmill Avenue .....	None	+2220	
North Channel Platte River (eastern portion of stream, eastern side of City of Kearney).	Approximately 0.9 miles downstream of County Highway 36 (Cherry Avenue).	None	+2114	City of Kearney.
	Approximately 200 feet downstream of County Highway 36 (Cherry Avenue).	None	+2118	
North Channel Platte River (western portion of stream, west of City of Kearney).	Approximately 0.5 miles downstream of 62nd Avenue	None	+2165	City of Kearney.
Platte River (eastern portion of stream, southeast of the City of Kearney).	Just downstream of 62nd Avenue .....	None	+2169	City of Kearney.
	Approximately 2.9 miles downstream of State Highway 44.	None	+2122	

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Platte River (western portion of stream, southwest of the City of Kearney).	Approximately 2.1 miles downstream of State Highway 44.	None	+2128	Unincorporated Areas of Buffalo County, City of Kearney.
	Approximately 2.1 miles upstream of State Highway 44	None	+2157	
Shallow flooding from North Dry Creek Ditch.	Approximately 3.3 miles upstream of State Highway 44	None	+2165	City of Kearney.
	Approximately 0.6 miles upstream of confluence with Platte River.	None	+2155	
Wood River .....	Approximately 1.2 miles upstream of confluence with Platte River.	None	+2156	Unincorporated Areas of Buffalo County.
	Approximately 2.0 miles downstream of Imperial Avenue.	None	+2113	
	Approximately 0.4 miles upstream of Highway 10 .....	+2147	+2146	

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#### ADDRESSES

##### City of Kearney

Maps are available for inspection at 18 East 22nd Street, Kearney, NE 68847.

##### Unincorporated Areas of Buffalo County

Maps are available for inspection at 9730 Antelope Avenue, Kearney, NE 68847.

#### Roosevelt County, New Mexico, and Incorporated Areas

17th and 18th Street Shallow Flooding.	Flooding effects extending southward approximately 2,250 feet from E 18th street.	None	+4001	Unincorporated Areas of Roosevelt County.
	Flooding effects extending southward approximately 2,250 feet from E 18th street.	None	+4003	

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#### ADDRESSES

##### Unincorporated Areas of Roosevelt County

Maps are available for inspection at 109 West 1st Street, Portales, NM 88130.

#### Brown County, South Dakota, and Incorporated Areas

James River .....	Approximately 3.8 miles downstream of 147th Street ...	None	+1275	Unincorporated Areas of Brown County.
	Approximately 6,260 feet upstream of 101st Street .....	None	+1296	

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**ADDRESSES**

**Unincorporated Areas of Brown County**

Maps are available for inspection at 25 Market Street, Aberdeen, SD 57401.

**Cheatham County, Tennessee, and Incorporated Areas**

Big Bartons Creek .....	Approximately 3.8 miles upstream of the confluence with Cumberland River.	None	+397	Unincorporated Areas of Cheatham County.
	Approximately 1.1 miles upstream of the confluence with Cumberland River.	None	+397	

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**ADDRESSES**

**Unincorporated Areas of Cheatham County**

Maps are available for inspection at the Building Commissioner's Office, 210 South Main Street, Ashland City, TN 37015.

**Burnet County, Texas, and Incorporated Areas**

Colorado River .....	Approximately 0.88 miles upstream of confluence with Wolf Hollow Creek.	+160	+163	Unincorporated Areas of Burnet County.
	At the confluence of Varnhagan Creek .....	+770	+768	

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**ADDRESSES**

**Unincorporated Areas of Burnet County**

Maps are available for inspection at 220 South Pierce Street, Burnet, TX 78611.

**Karnes County, Texas, and Incorporated Areas**

Escondido Creek .....	Approximately 700 feet downstream of confluence with Nichols Creek.	+259	+258	Unincorporated Areas of Karnes County.
	Approximately 450 feet upstream of confluence with Panther Creek.	None	+274	
Marcelinas Creek .....	Approximately 730 feet upstream of confluence with Tributary 1 to Marcelinas Creek Watershed.	None	+300	Unincorporated Areas of Karnes County.
	Approximately 830 feet upstream of confluence with Tributary 8 to Marcelinas Creek Watershed.	None	+307	
Ojo de Agua Creek .....	Approximately 1,050 feet downstream of Farm to Market 81.	None	+262	Unincorporated Areas of Karnes County.
	Approximately 860 feet upstream of confluence with Tributary 9 to Ojo de Agua Watershed.	None	+287	
San Antonio River .....	Approximately 460 feet downstream of confluence with Marcelinas Creek.	None	+300	Unincorporated Areas of Karnes County.
	Approximately 1,440 feet downstream of confluence with Tributary 199 to Lower San Antonio River Watershed.	None	+304	

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**ADDRESSES**

**Unincorporated Areas of Karnes County**

Maps are available for inspection at the Karnes County Courthouse, 101 North Panna Maria, Karnes City, TX 78118.

**Kendall County, Texas, and Incorporated Areas**

Cibolo Creek .....	Approximately 2 miles upstream of the confluence with Balcones Creek.	None	+1301	Unincorporated Areas of Kendall County.
	Approximately 2.6 miles upstream of the confluence with Balcones Creek.	None	+1309	
Guadalupe River .....	Just upstream of County Highway FM 3351 .....	None	+1122	Unincorporated Areas of Kendall County.
Ranger Creek .....	Approximately 1,750 feet upstream of Gourly Road .....	None	+1164	Unincorporated Areas of Kendall County.
	Approximately 2.5 miles upstream of the confluence with Cibolo Creek.	None	+1552	
Spring Creek .....	Approximately 4.2 miles upstream of the confluence with Cibolo Creek.	None	+1655	Unincorporated Areas of Kendall County.
	At the confluence with Guadalupe River .....	None	+1150	
	Approximately 0.6 miles downstream of the confluence with Black Creek.	None	+1176	

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**ADDRESSES**

**Unincorporated Areas of Kendall County**

Maps are available for inspection at 201 East San Antonio Drive, Suite 122, Boerne, TX 78006.

**Walker County, Texas, and Incorporated Areas**

Baldwin Creek .....	Approximately 2.7 miles downstream of County Highway FM 247.	None	+244	Unincorporated Areas of Walker County.
	Approximately 1.6 miles downstream of County Highway FM 247.	None	+261	
Caney Creek .....	Approximately 0.6 miles upstream of County Highway FM 2296.	None	+354	Unincorporated Areas of Walker County.
Crabb Creek .....	Approximately 0.6 miles downstream of Evelyn Lane ...	None	+374	Unincorporated Areas of Walker County.
	Approximately 475 feet upstream of North Rocky Creek.	None	+257	
East Fork (Tanyard Branch)	Approximately 500 feet upstream of Interstate Highway North US Highway 190.	None	+287	Unincorporated Areas of Walker County.
	Approximately 0.5 miles upstream of confluence with Tanyard Branch.	None	+291	
Hadley Creek .....	Approximately 0.9 miles upstream of confluence with Tanyard Branch.	None	+298	Unincorporated Areas of Walker County.
	Just downstream of Rosenwall Road .....	None	+250	
	Just upstream of the confluence with North Rocky Creek.	None	+285	

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Hendricks Lake .....	At the confluence with Town Branch .....	None	+273	Unincorporated Areas of Walker County.
	Approximately 700 feet downstream of County Highway FM 2821.	None	+284	
Mays Creek .....	Approximately 0.4 miles upstream of County Highway FM 2929.	None	+320	Unincorporated Areas of Walker County.
	Approximately 2.5 miles upstream of County Highway FM 2929.	None	+355	
McDonald Creek .....	Approximately 0.4 miles upstream of West Sunset Drive.	None	+293	Unincorporated Areas of Walker County.
McGary Creek .....	Just downstream of Spring Drive .....	None	+357	Unincorporated Areas of Walker County.
	Approximately 1.8 miles downstream of the confluence with Tributary 6 (McGary Creek).	None	+279	
	Approximately 1,750 feet downstream of the confluence with Tributary 6 (McGary Creek).	None	+289	
	Approximately 0.8 miles downstream of Timberwilde Drive.	None	+318	
Parker Creek .....	Approximately 0.9 miles upstream of Timberwilde Drive	None	+351	Unincorporated Areas of Walker County.
	Approximately 0.6 miles upstream from Tributary Number 8 (Parker Creek).	None	+212	
Prairie Branch .....	At the confluence with Town Branch .....	None	+260	Unincorporated Areas of Walker County.
	At the confluence with Raven Lake .....	None	+287	
Robinson Creek .....	Just downstream of Camellia Drive .....	None	+307	Unincorporated Areas of Walker County.
	Approximately 1,250 feet upstream of Robinson Road	None	+283	
Scott Branch .....	Approximately 0.6 miles downstream of Veterans Memorial Highway.	None	+333	Unincorporated Areas of Walker County.
	At the confluence with Thickett Branch .....	None	+256	
Shepherd Creek .....	Approximately 1,250 feet upstream of the confluence with Thickett Branch.	None	+261	Unincorporated Areas of Walker County.
	Approximately 0.71 miles upstream of County Highway FM 2296.	None	+317	
Tanyard Branch .....	Approximately 1.5 miles upstream of the confluence with Tributary 3.	None	+381	Unincorporated Areas of Walker County.
	Approximately 500 feet downstream of the confluence with Tributary Number 2 (Tanyard Branch).	None	+224	
Thickett Branch .....	Approximately 0.5 miles upstream of US Highway 190	None	+363	Unincorporated Areas of Walker County.
	Approximately 500 feet downstream of the confluence with Scott Branch.	None	+256	
Town Branch .....	Approximately 800 feet upstream of the confluence with Scott Branch.	None	+260	Unincorporated Areas of Walker County.
	At the confluence with Parker Creek .....	None	+260	
Tributary 1 (Robinson Creek).	Approximately 1,200 feet upstream of the confluence with Hendricks Lake.	None	+277	Unincorporated Areas of Walker County.
	At the confluence with Robinson Creek .....	None	+294	
Tributary 2 (Tanyard Branch).	Approximately 400 feet downstream of Gazebo Street	None	+329	Unincorporated Areas of Walker County.
	At the confluence with Tanyard Branch .....	None	+224	
Tributary 5 (McGary Creek)	Approximately 1,200 feet upstream of Robinson Road	None	+253	Unincorporated Areas of Walker County.
	Approximately 1,250 feet upstream of the confluence with McGary Creek.	None	+323	
Tributary 6 (McGary Creek)	Just downstream of Timberwilde Drive .....	None	+329	Unincorporated Areas of Walker County.
	Approximately 0.9 miles upstream of the confluence with McGary Creek.	None	+301	
Tributary 9 (Sheperd Creek).	Approximately 2.17 miles upstream of the confluence with McGary Creek.	None	+319	Unincorporated Areas of Walker County.
	At the confluence with Sheperd Creek .....	None	+332	
Tributary Number 7 (Hadley Creek).	Approximately 900 feet downstream of Four Notch Road.	None	+347	Unincorporated Areas of Walker County.
	Approximately 1,200 feet downstream of Cauthen Drive.	None	+256	

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	
Tributary Number 8 (Parker Creek).	Approximately 1.3 miles upstream of Cauthen Drive ....	None	+275	Unincorporated Areas of Walker County.
	Approximately 0.9 miles upstream of the confluence with Pain Branch.	None	+218	
Wayne Creek .....	Approximately 0.9 miles downstream of Albritton Road	None	+231	Unincorporated Areas of Walker County.
	Approximately 1,750 feet downstream of Forest Service Road # 236A.	None	+259	
	Approximately 1.1 miles upstream of the confluence with Ford Branch.	None	+298	

\* 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 Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### Unincorporated Areas of Walker County

Maps are available for inspection at 1100 University Avenue, Huntsville, TX 77320.

#### Dickenson County, Virginia, and Incorporated Areas

Frying Pan Creek .....	At the confluence with Russell Fork .....	None	+1293	Unincorporated Areas of Dickenson County.
	Approximately 1,400 feet downstream from the intersection of Sandlick Road and Frying Pan Road.	None	+1316	
Greenbriar Creek .....	At the confluence with Russell Prater Creek .....	None	+1418	Unincorporated Areas of Dickenson County.
	Approximately 1,400 feet downstream from the intersection of Winchester Drive and Greenbriar Road.	None	+1426	
Lick Creek .....	At the confluence with Russell Fork .....	None	+1289	Unincorporated Areas of Dickenson County.
	Approximately 1,000 feet upstream from the intersection of Aily Road and Ransom Road.	None	+1559	
McClure Creek .....	Approximately 1,800 feet upstream of the confluence with Open Fork and McClure River.	None	+1520	Unincorporated Areas of Dickenson County.
	Approximately 1,100 feet downstream from the intersection of Wakenva Hollow Road and Dante Mountain Road.	None	+1598	
McClure River .....	At the confluence with Russell Fork .....	+1264	+1273	Unincorporated Areas of Dickenson County, Town of Clinchco, Town of Haysi.
	Approximately 300 feet downstream from the intersection of Doctor Ralph Stanley Highway and Dante Mountain Road.	+1514	+1518	
Mill Creek .....	At the confluence with McClure River .....	None	+1403	Unincorporated Areas of Dickenson County, Town of Clinchco.
	Approximately 400 feet upstream of Chevy Drive .....	None	+1622	
Open Fork .....	At the confluence with McClure River .....	None	+1518	Unincorporated Areas of Dickenson County.
	Approximately 1,000 ft upstream from the intersection of Neece Creek Road and Brushy Ridge Road.	None	+1581	
Russell Fork .....	Approximately 1,300 feet downstream of Bartlick Road	None	+1190	Unincorporated Areas of Dickenson County, Town of Haysi.
	Approximately 160 feet downstream of Sandlick Road	None	+1437	
Russell Prater Creek .....	At the confluence with Russell Fork .....	+1265	+1275	Unincorporated Areas of Dickenson County, Town of Haysi.
	At the confluence with Greenbriar Creek .....	None	+1418	

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	
Spring Fork .....	Just downstream of the Railroad Crossing .....	None	+1557	Unincorporated Areas of Dickenson County.
	Approximately 850 feet upstream from intersection of Rebel Drive and Doctor Ralph Stanley Highway.	None	+1577	

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**Town of Clinchco**

Maps are available for inspection at 156 Main Street, Clinchco, VA 24226.

**Town of Haysi**

Maps are available for inspection at 322 Haysi Main Street, Haysi, VA 24256.

**Unincorporated Areas of Dickenson County**

Maps are available for inspection at 293 Clintwood Main Street, Clintwood, VA 24228.

**Fayette County, West Virginia, and Incorporated Areas**

Smithers Creek .....	Approximately 700 feet downstream of Carbondale Road.	None	+640	Unincorporated Areas of Fayette County.
	Approximately 550 feet upstream of Carbondale Road	None	+651	

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**Unincorporated Areas of Fayette County**

Maps are available for inspection at the Fayette County Building, Safety Department, 100 Court Street, Fayetteville, WV 25840.

**Oconto County, Wisconsin, and Incorporated Areas**

Anderson Lake .....	Entire shoreline .....	None	+860	Unincorporated Areas of Oconto County.
Bass Lake/Crooked Lake/ Gilkey Lake.	Entire shoreline .....	None	+951	Unincorporated Areas of Oconto County.
Brookside Creek .....	Approximately 0.41 miles upstream of US Highway 41	+615	+616	Unincorporated Areas of Oconto County.
Christie Brook .....	Approximately 655 feet upstream of Cross Road .....	None	+681	City of Gillett, Unincorporated Areas of Oconto County.
	Approximately 1.3 miles downstream of Quarterline Road.	None	+740	
City of Oconto Tributary No. 4.	Approximately 0.3 miles upstream of Klaus Lake Road	None	+819	City of Oconto, Unincorporated Areas of Oconto County.
	Approximately 344 feet downstream of County Highway S.	None	+591	
Hayes Creek .....	Just upstream of Cook Road .....	+594	+595	Unincorporated Areas of Oconto County.
	Just upstream of Hayes Road .....	+830	+832	
Jones Creek .....	Just downstream of County Highway R .....	+843	+844	Village of Lena, Unincorporated Areas of Oconto County.
	Just upstream of US Highway 141 .....	None	+697	

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	
Kirchner Creek .....	Approximately 0.8 miles upstream of Harley Street .....	None	+708	Unincorporated Areas of Oconto County.
	Approximately 225 feet downstream of Sampson Road	None	+599	
Little Suamico River .....	Approximately 1.1 miles downstream of East Frontage Road.	None	+633	Unincorporated Areas of Oconto County, Village of Pulaski.
	Approximately 500 feet upstream of Cross Road .....	None	+644	
McCaslin Brook .....	Approximately 0.2 miles upstream of 4th Avenue N .....	+793	+793	Unincorporated Areas of Oconto County.
	Approximately 410 feet upstream of Old 32 Road .....	None	+1174	
North Branch Oconto River	Immediately downstream of Townsend Dam Road .....	None	+1314	Unincorporated Areas of Oconto County.
	Approximately 0.8 miles upstream of Riverside Road ...	+1159	+1161	
Oconto River Tributary No. 2.	Approximately 1.5 miles upstream of Riverside Road ...	+1183	+1185	City of Oconto.
	Just upstream of Mill Street .....	+591	+590	
Oconto River Tributary No. 22.	Approximately 95 feet downstream of Charles Street ...	+595	+598	City of Oconto Falls, Unincorporated Areas of Oconto County.
	Approximately 150 feet downstream of South Maple Street.	+642	+641	
Pensaukee River .....	Approximately 0.6 miles upstream of South Flatley Avenue.	None	+742	Unincorporated Areas of Oconto County.
	Approximately 0.3 miles upstream of County Highway J.	+621	+620	
Round Lake .....	Approximately 428 feet downstream of Safian Road ....	+759	+760	Unincorporated Areas of Oconto County.
	Entire shoreline .....	None	+827	
Spring Creek .....	Just downstream of US Highway 141 .....	+652	+653	Unincorporated Areas of Oconto County.
	Approximately 0.7 miles upstream of County Highway E.	None	+717	
Spring Creek Tributary No. 6.	At the confluence with Spring Creek .....	+703	+706	Unincorporated Areas of Oconto County.
Tibbet Creek .....	Approximately 450 feet upstream of Burdosh Road .....	+713	+717	Unincorporated Areas of Oconto County.
	Approximately 600 feet downstream of Rost Road .....	None	+585	
Town Creek .....	Approximately 1.7 miles upstream of Lade Beach Road.	None	+627	Unincorporated Areas of Oconto County.
	Approximately 0.6 miles downstream of Palmer Lane ..	None	+920	
Waupee Creek .....	Just downstream of State Highway 32/64 .....	None	+980	Unincorporated Areas of Oconto County.
	Just upstream of State Highway 32/64 .....	None	+859	
Wescott Lake .....	Immediately downstream of Waupee Dam .....	+936	+937	Unincorporated Areas of Oconto County.
	Entire shoreline .....	None	+845	

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

#### ADDRESSES

##### City of Gillett

Maps are available for inspection at 150 North McKenzie Avenue, Gillett, WI 54124.

##### City of Oconto

Maps are available for inspection at 1210 Main Street, Oconto, WI 54153.

##### City of Oconto Falls

Maps are available for inspection at 500 North Chestnut Avenue, Oconto Falls, WI 54154.

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	

**Unincorporated Areas of Oconto County**

Maps are available for inspection at 301 Washington Street, Oconto, WI 54153.

**Village of Lena**

Maps are available for inspection at 117 East Main Street, Lena, WI 54139.

**Village of Pulaski**

Maps are available for inspection at 421 South Saint Augustine Street, Pulaski, WI 54162-0320.

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

**Deborah S. Ingram,**

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

[FR Doc. E9-21469 Filed 9-4-09; 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-1065]

**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 December 7, 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-1065, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:**

Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820, or (e-mail) [kevin.long@dhs.gov](mailto:kevin.long@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.