

(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:

State	City/town/county	Source of flooding	Location**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)	
				Existing	Modified
<b>Village of Dansville, New York</b>					
New York .....	Village of Dansville ....	Canaseraga Creek .....	In the northern annexation, west of State Route 63, east of the railroad, and approximately 2800 feet north of Zerfass Road..	None	*607
			In the northern annexation, just east of the railroad, approximately 1500 feet north of Zerfass Road along the railroad..	None	*610

\* 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**

**Village of Dansville**

Maps are available for inspection at 14 Clara Barton Street, Village of Dansville, NY 14437.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Ralls County, Missouri, and Incorporated Areas</b>				
Bear Creek .....	Lilly Avenue .....	None	+499	Unincorporated Areas of Ralls County.
Mississippi River .....	Hydesburg Road .....	None	+562	
	Divergence of Gilberts Chute .....	None	+471	Unincorporated Areas of Ralls County.
	Confluence of Marble Creek .....	None	+475	

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+ North American Vertical Datum.

# Depth in feet above ground.

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**ADDRESSES**

**Unincorporated Areas of Ralls County**

Maps are available for inspection at 311 South Main Street, New London, MO 63459.

<b>Pittsburg County, Oklahoma, and Incorporated Areas</b>				
Tributary AA .....	Approximately 2790 feet downstream of 14th Street.	+707	+715	City of McAlester.
	Approximately 2160 feet downstream of 14th Street.	+720	+724	
Tributary B .....	Approximately 470 feet downstream of C Street.	+689	+686	Unincorporated Areas of Pittsburg County, City of McAlester.
	Approximately 1700 feet upstream of Swallow Drive.	+732	+728	
Tributary E .....	Approximately 1200 feet upstream of Highway 270.	None	+654	Unincorporated Areas of Pittsburg County.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Approximately 5000 feet upstream of Highway 270.	None	+658	

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**ADDRESSES**

**City of McAlester**

Maps are available for inspection at 28 East Washington Street, McAlester, OK 74502.

**Unincorporated Areas of Pittsburg County**

Maps are available for inspection at 115 East Carl Albert Parkway, McAlester, OK 74501.

**Bowie County, Texas, and Incorporated Areas**

Days Creek .....	Approximately 4910 feet downstream of Loop 151.	None	+255	Unincorporated Areas of Bowie County.
	Approximately 1480 feet upstream of Lubbock Street.	None	+273	
No Name Creek .....	Approximately 1015 feet upstream of Lakeridge Drive.	None	+281	Unincorporated Areas of Bowie County.
	Approximately 1273 feet downstream of Lakeridge Drive.	None	+290	
Un-Named Tributary of Days Creek .....	Confluence of Un-Named Tributary and Days Creek.	None	+259	Unincorporated Areas of Bowie County.
	Approximately 2663 feet upstream of confluence of Days Creek.	None	+261	

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+ North American Vertical Datum.

# Depth in feet above ground.

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**ADDRESSES**

**Unincorporated Areas of Bowie County**

Maps are available for inspection at Courthouse, 710 James Bowie Drive, New Boston, TX 75570.

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

Dated: January 22, 2009.

**Michael K. Buckley,**

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

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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

**[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1031]**

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

**ACTION:** Proposed rule.

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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