

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Sandy Creek Tributary 11 ..	At the confluence with Sandy Creek .....	None	•403	Vance County (Unincorporated Areas), City of Henderson.
Sandy Creek Tributary 12 ..	Approximately 700 feet upstream of Route 1 .....	None	•421	City of Henderson.
	At the confluence with Sandy Creek Tributary 11 .....	None	•415	
	Approximately 0.4 miles upstream of the confluence of Sandy Creek Tributary 11.	None	•424	
Tabbs Creek .....	Approximately 2.0 miles upstream of the confluence of Tar River.	None	•237	Vance County (Unincorporated Areas).
Weaver Creek .....	Approximately 625 feet upstream of Old Watkins Road.	None	•285	
	At the confluence with with Sandy Creek .....	None	•309	
Tar River .....	Approximately 0.5 mile upstream of Vickslow Road ....	None	•349	Vance County (Unincorporated Areas).
	At the Franklin/Vance County boundary .....	•222	•228	
Fishing Creek .....	Approximately 800 feet upstream of Green Hill Road	None	•245	Vance County (Unincorporated Areas).
	At the Vance/Warren County boundary .....	None	•345	
	Approximately 0.77 mile upstream of the County boundary.	None	•356	

**Vance County (Unincorporated Areas)**

Maps available for inspection at the Vance County Code Enforcement and Planning Department, 122 Young Street, Suite B, Henderson, North Carolina.

Send comments to Mr. J. Timothy Program, Chairman of the Vance County Board of Commissioners, 122 Young Street, Suite B, Henderson, North Carolina 27536.

*City of Henderson:*

Maps available for inspection at the Henderson City Hall, 180 South Beckford Drive, Henderson, North Carolina.

Send comments to The Honorable Robert G. Young, Jr., Mayor of the City of Henderson, P.O. Box 1434, Henderson, North Carolina 27536.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: February 3, 2003.

**Anthony S. Lowe,**

*Administrator, Federal Insurance and Mitigation Administration.*

[FR Doc. 03-3334 Filed 2-10-03; 8:45 am]

**BILLING CODE 6718-04-M**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-D-7556]

### Proposed Flood Elevation Determinations

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

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being

already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Grimm, Acting Chief, Hazard Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2878, or (e-mail) [Michael.Grimm@fema.gov](mailto:Michael.Grimm@fema.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations 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 base flood and modified base flood elevations, 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.

*National Environmental Policy Act.*

This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Administrator, Federal Insurance and Mitigation Administration, certifies that

this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

**Regulatory Classification.** This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of

September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 12612, Federalism.* This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

*Executive Order 12778, Civil Justice Reform.* This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

#### 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	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
				Existing	Modified
Maine .....	Beals (Town), Washington County.	Atlantic Ocean .....	At Alley Point, approximately 2,700 feet west of the intersection of Black Duck Cove Road and Carver Industry Road. Approximately 800 feet southeast of the end of Black Field Road.	*20	*14
				*25	*13

Maps available for inspection at the Beals Town Office, 11 Big Pond Road, Beals, Maine.

Send comments to Mr. Velton Peabody, Chairman of the Town of Beals Board of Selectmen, PO Box 189, Beals, Maine 04611.

Ohio .....	Gallia County (Incorporated Areas).	Chickamauga Creek .....	At U.S. Route 35 .....	*569	*570
			Approximately 1600 feet upstream of U.S. Route 35.	*574	*575
		Tributary C .....	At confluence with Chickamauga Creek ..	*570	*571
			At Mitchell Extension .....	*599	*600
		Tributary D .....	At confluence with Tributary C .....	*574	*573
			Approximately 100 feet upstream of confluence with Tributary C.	*574	*573

Maps available for inspection at the Gallia County Offices, 18 Locust Street, Gallipolis, Ohio.

Send comments to Mr. William J. Davis, Jr., President of the Gallia County Board of Commissioners, 18 Locust Street, Gallipolis, Ohio 45631.

West Virginia.	Oceana (Town), Wyoming County.	Clear Fork .....	Approximately 330 feet downstream of corporate limits.	None	*1,239
			At upstream corporate limits .....	*1,295	*1,292
		Laurel Fork .....	At confluence with Clear Fork .....	*1,267	*1,265
			Approximately 80 feet upstream of corporate limits.	*1,299	*1,297

Maps available for inspection at the Oceana Town Hall, Route 10, Cook Parkway, Oceana, West Virginia.

Send comments to The Honorable John Steffey, Mayor of the Town of Oceana, P.O. Box 190, Oceana, West Virginia 24870.

West Virginia.	Smithers (Town), Fayette and Kanawha Counties.	Smithers Creek .....	Approximately 60 feet upstream of confluence with Kanawha River.	*627	*626
			Approximately 640 feet upstream of County Route 22.	*655	*652

Maps available for inspection at the Smithers Town Hall, 175 Michigan Avenue, Smithers, West Virginia.

Send comments to The Honorable Eddie A. Long, Mayor of the Town of Smithers, P.O. Box 489, Smithers, West Virginia 25186.

Wisconsin ...	Dane County (Unincorporated Areas).	Vermont Creek .....	Just upstream of the Sooline Railroad .....	*807	*810
			A point approximately 0.02 mile upstream of County Highway KP.	None	*814

Maps available for inspection at the Dane County City-County Building, 210 Martin Luther King Jr. Boulevard, Madison, Wisconsin.

Send comments to Ms. Kathleen Falk, Dane County Executive, 210 Martin Luther Jr. Boulevard, Madison, Wisconsin 53703.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: February 3, 2003.

**Anthony S. Lowe,**  
Administrator, Federal Insurance and  
Mitigation Administration.

[FR Doc. 03-3333 Filed 2-10-03; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AI52

#### Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Klamath River and Columbia River Distinct Population Segments of Bull Trout

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period for the proposal to designate critical habitat for the Klamath River and Columbia River distinct population segments of bull trout (*Salvelinus confluentus*) to allow all interested parties additional time to comment on the proposed rule. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this extended comment period, and will be fully considered in preparation of the final rule.

**DATES:** We will accept comments on the proposed critical habitat designation until the close of business (5 p.m. Pacific standard time) on May 12, 2003.

**ADDRESSES:** Written comments and information should be submitted to John Young, Bull Trout Coordinator, U.S. Fish and Wildlife Service, Branch of Endangered Species, 911 NE. 11th Avenue, Portland, OR 97232. Written comments may also be sent by fax to 503/231-6243 or hand-delivered to our office at the above address. You may also send comments by electronic mail (e-mail) to: [R1BullTroutCH@r1.fws.gov](mailto:R1BullTroutCH@r1.fws.gov).

You may view comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, by appointment, during normal business hours in the U.S. Fish and Wildlife Service Office at the above address. You may obtain copies of the proposed rule from the above address, by calling 503/231-6131,

or from our Web site at: <http://species.fws.gov/bulltrout>.

**FOR FURTHER INFORMATION CONTACT:** John Young, at the address above (telephone 503/231-6131; facsimile 503/231-6243).

#### SUPPLEMENTARY INFORMATION:

##### Background

We published a proposed rule to designate critical habitat for the Klamath River and Columbia River distinct population segments of bull trout (*Salvelinus confluentus*) on November 29, 2002 (67 FR 71235). The proposed critical habitat designation includes approximately 29,720 kilometers (18,471 miles) of streams and 215,585 hectares (532,721 acres) of lakes, reservoirs, and marshes in Oregon, Washington, Idaho, and Montana. Designation would apply only to the waterways, not the adjacent lands. Under the terms of a court-approved settlement agreement, we are required to submit the final rule designating critical habitat to the **Federal Register** no later than October 1, 2003.

The 90-day comment period on the proposed designation of critical habitat originally closed on January 28, 2003. During that comment period, we received several letters requesting extension of the date for submitting comments. These requests cited the length and scope of the proposal as a key reason for needing additional time to gather information, conduct analyses, and prepare comments. We are reopening the comment period in response to these requests.

Copies of the proposed designation of critical habitat are available on the Internet at <http://www.r1.fws.gov> or by contacting the Bull Trout Coordinator, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

##### Public Comments Solicited

We are reopening the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat designation for the Klamath River and Columbia River distinct population segments of bull trout. Previously submitted comments on the proposed designation need not be resubmitted. We will accept written comments and information during this reopened comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

You may mail or hand-deliver written comments and information to the Bull Trout Coordinator, U.S. Fish and Wildlife Service Office (see **ADDRESSES**

section). Hand deliveries must be made during normal business hours.

You may also send comments by e-mail to: [R1BullTroutCH@r1.fws.gov](mailto:R1BullTroutCH@r1.fws.gov). If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include a return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our office at telephone number 503/872-2766, during normal business hours.

As described in the preamble of the proposed rule, we are conducting an analysis of the economic impacts of designating the proposed critical habitat. We will publish a notice of availability in the **Federal Register** when the draft economic analysis becomes available and provide for a 30 day comment period, during which we will accept comments on the proposal as well as the draft economic analysis. We anticipate publication of the notice of availability within this current 90 day extension. The notice of availability will provide for the comment period to remain open until the end of this current 90 day extension or 30 days after publication of the notice, whichever is later.

##### Author

The primary author of this notice is Barbara Behan, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

##### Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: January 30, 2003.

**Craig Manson,**

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 03-3369 Filed 2-10-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[I.D. 012803C]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.